



ORDINANCE 2023-05-31.2

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF HAWK COVE, TEXAS,
CLARIFYING THE AGENDA AUTHORITY AND DUTIES OF CITY ADMINISTRATOR;
PROVIDING FOR SEVERABILITY; PROVIDING FOR CUMULATION OF RELATED ORDINANCES;
PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE**

WHEREAS, The City of Hawk Cove, Texas ("City") is a Type-A General Law Municipality located in Hunt County, Texas, created in accordance with the provisions of Chapter 6 of the Local Government Code and operating pursuant to the enabling legislation of The State of Texas; and

WHEREAS, the final and ultimate responsibility for the government of City and administration of its business rests in The City of Hawk Cove, Texas, City Council ("Council" or "governing body"), which Council consists of the Mayor of The City of Hawk Cove, Texas, ("Mayor") and five (5) aldermen ("Council members"); and

WHEREAS, it is the duty of the Council to enact and enforce ordinances, resolutions and regulations to protect and preserve the business, property, health, safety, morals and general welfare of City's citizens and City business and operations; to preserve peace and good order in the municipality (see, LGC, Sections 22.042, 54 .001, 54.002 and 54.003) so as to foster, establish and maintain goodwill and productive working City relationships, both within and outside of The City of Hawk Cove ("City"); and

WHEREAS, it is a function of the Council to regulate itself (see, Local Government Code ("LGC"), Section 22.072(b)) and ensure compliance by all members of the Council with all City obligations, including the obligation to keep the City's business moving ahead smoothly and efficiently (see, p. 32, *Handbook for Mayors and Councilmembers*, Texas Municipal League, © 2022); as enacted by City's ordinances; and

WHEREAS, after due consideration, the Council hereby deems that City's present ordinances, resolutions and regulations are inadequate for: protecting and preserving the business, property, health, safety and general welfare of City's citizens and City business and operations; preserving peace and good order in the municipality; fostering, establishing and maintaining goodwill and productive working City relationships both within and outside of City; and in particular as are related, but not limited, to protecting and preserving City's obligations under City's debt contract with the U.S.D.A.; and

WHEREAS, the inadequacy of City's present ordinances, resolutions and regulations creates an emergency and/or an exigency, and/or unusual and unforeseen conditions that could not have been expected or considered through the use of reasonably diligent thought and attention, that calls for immediate action and now requires Council to acknowledge, respond to and fulfill its duties to enact and enforce additional, amended or replacement ordinances, resolutions and regulations to better protect and preserve the business, property, health, safety, morals and general welfare of City's citizens and City business and operations; to preserve peace and good order in the municipality; to foster, establish and maintain goodwill and productive working City relationships both within and outside of City; and in

particular as are related, but not limited, to protecting and preserving City's obligations under City's debt contract with the U.S.D.A.; and

WHEREAS, the Council has previously prescribed, and invested, the City Administrator with the authority and duties relating to management of the agenda on which the Council convenes and from which the Council operates and acts (the "Agenda"), which authority and duties the Council now determines require clarification; and

WHEREAS, the Council has determined that strong Agenda management is vital to: City's decision-making process, including how the Council will address core issues and challenges; providing public notice of Council meetings and actions; and the most effective and efficient method of effecting City's goals, duties and responsibilities as referred to above; and

WHEREAS, it is crucial that Council members understand how Agendas play a major role in: reducing workloads for administrative staff who oversee various administrative processes critical to the daily operations of a municipality; providing efficiency and success, facilitating decision-making and transparency; and preserving time and valuable resources; and

WHEREAS, the Council acknowledges the need to apply strong Agenda management practices to enable Council and City's administrative staff to: improve adherence to meeting focus and structure; reduce delaying inefficiencies; decrease Council's and City administration's workloads; and improve interactions and communications between Council, City administration and City's citizens; all of which support the overall success of the municipality; and

WHEREAS, the Council recognizes that City's Administrator has the duty, and is in the most knowledgeable position, to prepare Council meeting Agendas that will ensure Agenda adherence; insulate the Council against interferences from political bias, individual subjectivity and personal desires not in City's best interest; protect City functions; and avoid risks of legal liabilities to City and City officials;

WHEREAS, the Council intends specifically by this ordinance to protect, preserve, provide and maintain continuity and transparency in: City's critical infrastructure (Tex. Gov't Code, Section 421.001); City's citizens' health and the environment; minimizing citizens' health risks by reducing environmental pollution (Tex. Gov't Code, Section 421.001); avoiding violations of the Texas Open Meetings Act; promoting the smooth and efficient flow of City's administration; avoiding conflicts and confusion from breaches of City's administrative hierarchy; and, among other obligations, and servicing City's debt contract with the U.S.D.A. as well as City's business and operations connected to that debt; and

WHEREAS, City acknowledges that this ordinance is the most effective and efficient method of effecting City's goals, duties, responsibilities and intentions as referred to above; and

WHEREAS, in acknowledgment of, response to and fulfillment of Council's duties as recognized herein;

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

SECTION 1. The above recitals are hereby found to be true and correct and are incorporated herein for all purposes.

SECTION 2. As a result of the existence of the conditions requiring this ordinance, it shall be enacted by the unanimous vote of all five (5) voting members of the Council. Any change of or any endeavor to rescind, revoke, repeal, cancel, reverse or abrogate this ordinance, or to affect in any way any penalty imposed by and resulting under this ordinance, whether in whole or in part, shall require the unanimous vote of all five (5) voting members of the Council at a properly-noticed official Council meeting.

SECTION 3. As enacted by Section 4 of City Ordinance No. 2023-05-18.1 establishing the office of City Administrator and prescribing powers and duties of the same, City Administrator shall retain the sole right, responsibility, duty and final authority of determining any and all items to be placed on Agendas for City Council Regular, Special and Executive meetings.

SECTION 4. City's Administrator shall, in structuring Agendas and determining items to be placed on Agendas, ensure Agenda adherence; insulate the Council against interferences from political bias, individual subjectivity and personal desires not in City's best interest; protect City functions; and avoid risks of legal liabilities to City and City officials.

SECTION 5. This ordinance shall be and is hereby declared to be cumulative with, and not be limited to, all other ordinances, resolutions, policies, sections, subsections, articles, paragraphs, sentences, clauses, phrases or words and procedures relating or pertaining to Agenda administration, City Administration and City's day-to-day business, operations and facilities. This ordinance shall not operate to repeal or affect, whether in whole or in part, any other such ordinances, policies and procedures, except insofar as the provisions thereof might be inconsistent or in conflict with the provisions of this ordinance, in which event such conflicting provisions, if any, in such other ordinances, policies and procedures are hereby repealed, but only to the extent of any such conflict.

SECTION 6. If any provision, section, subsection, article, paragraph, sentence, clause, phrase or word 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, or for any reason unenforceable, whether in whole or in part, the validity of the remaining portions of this ordinance or the application to such other persons or sets of circumstances shall not be affected thereby, it being the intent of the City Council of City in adopting this ordinance that no portion thereof or provision contained herein shall become inoperative or fail by any reason of unconstitutionality or invalidity of any other portion or provision.

SECTION 7. The Ordinance shall become effective immediately upon its passage.

CONCLUSION

Passed and approved by the City Council of The City of Hawk Cove, Texas, this ____ day of _____, 2023.

Darren Evans, Mayor

ATTEST: _____
City Secretary

APPROVED AS TO FORM: _____
City Attorney