

**CHAPTER 2**  
**ADMINISTRATION**  
**SYNOPSIS**

- 2.100 City Council (Amended 07/17/90)
- 2.200 City Manager
- 2.300 City Secretary (Amended 05/15/90)
- 2.400 City Disaster Director
- 2.500 Administrative and Appointive Authority
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- 2.700 Purchasing, Contracting and Bidding
- 2.800 Miscellaneous
- 2.900 Claims Against the City
- 2.1000 Official Fees (Adopted 1997-02; 05/21/1997); (Amended 1998-11; 01/09/1998, 2006-06; 06/21/2006, 2007-01; 06/20/2007, 2011-02; 01/20/2011)
- 2.1100 City Attorney (Adopted 1/21/98, Amended 02/18/1998)
- 2.1200 City Engineer (Amended 1/21/98, Amended 02/18/1998)

**SEC 2.100 CITY COUNCIL**

2.101 MEETING

Regular council meetings will be scheduled once each month with the time and day of the week being determined and announced time and day of the week at the first meeting following elections. (Amended 07/17/90)

2.102 Written notice of the date, place and subject of each meeting shall be posted on a bulletin board located in the City Hall.

2.103 CITY COUNCILMEN ELECTIONS AND REPLACEMENT

The elections and replacement of City Councilmen shall be according to the rules set out in Chapter 6.

**SEC. 2.200 CITY MANAGER (Ordinance No. 525, 6/27/61)**

2.201 NOMINATION AND CONFIRMATION

The City Manager shall be nominated by the Mayor and such nomination shall be subject to confirmation by a majority of the Aldermen and the Mayor shall not vote upon such confirmation and said City Manager shall hold office at the will of the City Council.

## 2.202 COMPENSATION

The compensation of the City Manager shall be by salary, payable monthly or semi-monthly, as shall be fixed from time to time by the City Council.

## 2.203 SURETY BOND REQUIRED

The City Manager shall furnish a surety company bond to be approved by the City Council; the City paying for the premium on the bond.

## 2.204 ABSENCE OR DISABILITY

During the absence or disability of the City Manager, the City Council shall designate some properly qualified person to perform the duties of said office.

## 2.205 POWERS AND DUTIES

The powers and duties of the City Manager shall be:

- 2.205.1 To devote all of his working time and attention to the affairs of the City, and be responsible to the Council for the efficient administration of the City's affairs.
- 2.205.2 To exercise supervision and control over all departments now created or to be created by the City Council unless otherwise provided.
- 2.205.3 To see that all terms and conditions imposed in favor of the City or its inhabitants in any public utility franchise are faithfully kept and performed and upon knowledge of any violation thereof to call the same to the attention of the City Council.
- 2.205.4 To act as Budget Officer and as such to prepare and submit to the City Council prior to the beginning of each fiscal year a budget of proposed expenditures for the ensuing year, showing in as much detail as practicable the estimated amounts required for the efficient operation of each department of the City government and the reasons for such estimated expenditures.
- 2.205.5 The City Manager, in addition to foregoing Section 2.205.4, shall make and file a budget as required by State Law.
- 2.205.6 To make a full written report to the City Council as soon after the close of each month's accounts as possible, showing the operation and expenditures of each department for the preceding month and a comparison of such monthly expenditures by departments, with the allowances made for such departments in the annual budget, and to keep said City Council fully advised at all times as to the financial condition and needs of the City.
- 2.205.7 To act as purchasing agent for the City of Olmos Park and to purchase all merchandise, material and supplies needed by the City; and to adopt such rules and regulations governing requisitions between himself as such purchasing agent and the heads of the departments, officers and employees of the City of Olmos Park, as the City Council may approve.

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- 2.205.8 To recommend to the City Council the salaries to be paid each appointive officer and subordinate employee of the City; and it shall be the duty of said City Council to pass ordinances or resolutions, from time to time, fixing the

rates of compensation.

2.205.9 To recommend to the City Council in writing, from time to time, for adoption, such measures as he may deem necessary or expedient.

2.205.10 To do and perform such other duties as may be prescribed by ordinances and resolution of the City Council.

#### 2.206 CONFLICT OF DUTIES

All Rules of the City prescribing the duties of heads of departments shall remain in full force and effect except insofar as they conflict with the provisions of this Section in which case the provisions of this Section shall govern.

### **SEC. 2.300 CITY SECRETARY (Ord No. 594, 11/09/78)**

#### 2.301 APPOINTMENT AND TERM

At the first regular meeting held after the general city election (See Chapter 7 Elections), or as soon thereafter as practicable, and after the members of the City Council elected at said election and been installed in office, the City Council shall by majority vote, appoint a City Secretary to serve for a term of two (2) years, and until his/her successor shall have been duly appointed and qualified. (Ord. No 5914, 11/09/78).

#### 2.302 SUBSCRIBED TO OATH AND POST BOND

The Secretary, at the beginning of each term of office, 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.

#### 2.303 DUTIES

The Secretary shall perform all of the statutory duties prescribed by law Article 1000, Revised Civil Statutes of Texas, and as hereafter amended, and such other duties as may be prescribed from time to time by the City Council (Ord. No. 594, 11/09/78).

##### 2.303.1 RECORDS MANAGEMENT OFFICER

The Secretary shall perform the duty of Records Management Officer (RMO) as enacted by the 71st Legislature HB 1285 effective September 1, 1989 contained in the new Local Government Records Act. (Passed May 15, 1990)

#### 2.304 EX-OFFICIO CITY TREASURER

The person appointed as City Secretary shall be ex-officio City Treasurer of the City, and the powers and duties of the City Treasurer as prescribed in Article 1001, Revised Civil Statutes of Texas of 1925, and as hereafter amended, and are hereby conferred on the person holding the office of City Secretary. (Ord. No. 514, 11/09/78).

#### 2.305 EX-OFFICIO CLERK OF THE MUNICIPAL COURT

The person appointed as City Secretary shall be ex-officio Clerk of the Municipal Court of the City and the powers and duties of Clerk of said Court as prescribed in Article 1200, Revised Civil Statutes of Texas of 1925, and as hereafter amended, are hereby conferred on the person holding the office of City Secretary.

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#### 2.306 COVERAGE OF BOND

Any bond posted by the City Secretary as required by Section 2.302 of this code shall extend to all of the duties and responsibilities imposed by this code and applicable statutes. (Ord. No. 594, 11/9/78)

### **SEC. 2.400 CITY DISASTER DIRECTOR, ASSISTANT DISASTER DIRECTOR AND**

## **DISASTER COORDINATOR (Ord. No. 595, 12-14-78)**

The office (function) of Disaster Director of the City of Olmos Park shall be held by the Mayor of Olmos Park in accordance with State Law.

- 2.400.1 An Assistant Disaster Director may be appointed by and serve at the pleasure of the Director.
- 2.400.2 A Disaster Coordinator may be appointed by and serve at the pleasure of the Director.
- 2.400.3 The Director shall be responsible for carrying out the duties and responsibilities set forth in Section 2.403 of this ordinance. He may delegate authority for execution of these duties to the Assistant Director and/or the Coordinator, but ultimate responsibility for such execution shall remain with the Director.

### **2.401 POWERS AND DUTIES OF DIRECTOR**

The powers and duties of the Director shall include supervision of the development of a disaster services plan for the City of Olmos Park, and the recommendation for adoption of the City Council of any and all mutual aid plans and agreements which are deemed essential for the implementation of such disaster services plan. The powers of the Director shall include the authority to declare a state of emergency, but such action may be subject to confirmation by the City Council at its next meeting. The duties of the Director shall also include the causing of a survey of the availability of existing personnel, equipment, supplies and services which could be used during an emergency, as provided for herein, as well as a continuing study of the need for amendments and improvements in the disaster services plan.

### **2.402 COUNTY-WIDE DISASTER PLAN**

The Mayor of the City of Olmos Park is authorized to join with the County Judge of the County of Bexar and the Mayors of the other cities in said county in the formation of a Disaster Services Council for the County of Bexar and shall have the authority to cooperate in the formation of a disaster services plan for the County of Bexar and in the appointment of a Disaster Coordinator for the County of Bexar, as well as all other powers necessary to participate in the county-wide program of disaster services insofar as said program may affect the City of Olmos Park.

### **2.403 DUTIES AND RESPONSIBILITIES**

The duties and responsibilities of the Disaster Director shall include the following:

- 2.403.1 The control and direction of the actual operation or training of the disaster services organization of the City of Olmos Park.
- 2.403.2 The determination of all questions of authority and responsibility that may arise within the disaster services organization of the City of Olmos Park.
- 2.403.3 The maintenance of necessary liaison with other municipal, district, State, county, regional, Federal, or other disaster services organizations.

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- 2.403.4 The marshaling, after declaration of an emergency as provided for above, of all necessary personnel, equipment or supplies from any department of the City of Olmos Park to aid in the carrying out of the disaster services plan.
- 2.403.5 The issuance of all necessary proclamations as to the existence of an emergency and the immediate operational effectiveness of the disaster services plan.
- 2.403.6 The issuance of reasonable rules, regulations or directives which are necessary for the protection of life and property in the City of Olmos Park, such

rules and regulations shall be filed in the office of the City Clerk and shall receive widespread publicity unless publicity will be of aid and comfort to the enemy.

- 2.403.7 The supervision of the drafting and execution of mutual aid agreements, in cooperation with the representatives of the State and of other local political subdivisions of the State, and the drafting and execution, if deemed desirable, of an agreement with the county in which said city is located and with other municipalities within the county, for the county-wide coordination of disaster services efforts.
- 2.403.8 The supervision of and final authorization for the procurement of all necessary supplies and equipment, including acceptance of private contributions.
- 2.403.9 The authorizing of agreements, after approval of the City Attorney, for the use of private property for public shelter and other purposes.

#### 2.404 OPERATIONAL DISASTER SERVICE ORGANIZATION

The Operational Disaster Service Organization of the City of Olmos Park shall consist of the officers and employees of the City of Olmos Park designated by the Director as well as all volunteer municipal defense workers. The functions and duties of this organization shall be distributed among such divisions, services and special staff as the City Council shall prescribe by resolution or the Director shall provide by directive. Any such resolution or directive shall set forth the form of organization, establish and designate divisions and services, assign functions, duties and powers, and designate officers and employees to carry out the provisions of this ordinance. Insofar as possible, the form of organization, titles and terminology shall conform to the recommendations of the State Defense and Disaster Relief Council of the State of Texas and of the Federal Government. (Ord. No. 595, 12-14-78).

#### 2.405 OATH OF ALLEGIANCE

Each person serving as a member of the Municipal Civil Defense and Disaster Relief Committee, or as an officer, employee or volunteer in any capacity in the Municipal Civil Defense and Disaster Relief Organization created by resolution or directive pursuant to the authority herein conferred, shall, prior to assuming their duty or duties, take an oath which shall be substantially as follows: I, \_\_\_\_\_ do solemnly swear (or affirm) that I will support and defend the Constitution of the United States and the Constitution of the State of Texas, against all enemies, foreign and domestic; that I will bear true faith and allegiance to the same; that I take this obligation freely, without any mental reservation or purpose of evasion; and that I will well and faithfully discharge the duties upon which I am about to enter. And I do further swear (or affirm) that I do not advocate nor am I a member or an affiliate of a political party or organization, group or combination of persons that advocates the overthrow of the Government of the United States or of this State by force or violence; and that during such time as I am a member of the County Civil Defense and Disaster Relief ()

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Committee of the County of Bexar I will not advocate nor become a member or an affiliate of any organization, group or combination of persons or of any political party that advocates the overthrow of the Government of the United States or of this State by force or violence.”

#### 2.406 UNAUTHORIZED DISPLAY OF LIGHT

Any light displayed contrary to any order, rule or regulation promulgated pursuant to the provisions of this Section constitutes a public nuisance and when deemed necessary in order to protect life or property during blackouts or air raids, the police are authorized and directed to enter upon any premises within the City of Olmos Park, using reasonable force and extinguish lights or take other necessary action to make effective any order, rule or regulation promulgated under the authority conferred by this section.

#### 2.407 UNAUTHORIZED SIREN

Any unauthorized person who shall operate a siren or other device so as to simulate a blackout signal or air raid, or the termination of a blackout or air raid, shall be deemed guilty of a violation of this section and shall be subject to the penalties imposed by this section. (Ord. 595, 12-14-78)

#### 2.408 PRIORITY OF REGULATIONS

At all times when the orders, rules and regulations made and promulgated pursuant to this section shall be in effect, they shall supersede all existing sections, orders, rules and regulations insofar as the latter may be inconsistent therewith.

#### 2.409 CONSTRUCTION OF REGULATION

This section shall not be construed so as to conflict with any State or Federal statute or with any Military or Naval order, rule or regulation.

#### 2.410 LIMITATION OF LIABILITY

This section is an exercise by the City of its governmental functions for the protection of the public peace, health and safety and neither the City of Olmos Park, the agents and representatives of said City, nor any individual, receiver, firm, partnership, corporation, association or trustee, nor any of the agents thereof, in good faith carrying out, complying with or attempting to comply with any order, rule or regulation promulgated pursuant to the provision of this section shall be liable for any damage sustained to person or property as the result of said activity. Any person owning or controlling real estate or other premises who voluntarily and without compensation grants to the City of Olmos Park a license or privilege, or otherwise permits the City to inspect, designate and use the whole or any part or parts of such real estate or premises for the purpose of sheltering persons during an actual, impending or practice enemy attack shall, together with his successors in interest if any, shall not be civilly liable for the death of, or injury to, any person on or about such real estate or premises under such license, privilege or other permission or for loss of, or damage to, the property of such person.

#### 2.411 PUBLIC FUNDS AND CONTRACTS

No person shall have the right to expend any public funds of the City in carrying out any civil defense activity authorized by this section without prior approval by the City Council, nor shall any person have any right to bind the City by contract, agreement or otherwise without prior and specific approval of the City Council.

#### 2.412 PENALTY

It shall be unlawful for any person to willfully obstruct, hinder, or delay any member of the civil defense organization in the enforcement of any rule or regulation issued pursuant to this section or to do any act forbidden by any rule or regulation issued pursuant to the authority contained in this section. It shall likewise be unlawful for any person to wear, carry or display any emblem,

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insignia or any other means of identification as a member of the civil defense organization of the City of Olmos Park, unless authority to do so has been granted to such person by the proper officials. Convictions for violations of the provisions of this section shall be punishable by a fine not to exceed two hundred dollars (\$200.00).

#### 2.413 SAVINGS CLAUSE

If any portion of this section shall for any reason be declared invalid, such invalidity shall not affect the remaining portions hereof.

### **SEC. 2.500 ADMINISTRATIVE AND APPOINTIVE AUTHORITY**

With the exception of matters and appointments reserved by the City Council by statutory provisions, general authority and responsibility for the conduct and administration of municipal affairs is vested in the City Manager, including appointments to positions and the establishment and maintenance of satisfactory standards of efficiency, welfare, and morale of City employees, and the exercise of general control and supervision over all departments, officials, and positions created and approved by the City Council. Final authority, in the form of review, approval and policy is reserved by the City Council with

regard to all matters and subjects covered by this code.

#### 2.501 DEPARTMENTAL ADMINISTRATION OF THESE RULES

Department heads will be responsible for the proper and effective administration of rules and policies within their departments. Routine matters and duties in connection therewith may be assigned to a subordinate employee such as the proper preparation and handling of all required records, reports, payrolls, etc.

#### 2.502 AMENDMENTS

The City Manager, with approval of the City Council, may change or amend administrative rules within statutory limitations to the extent deemed necessary in order to more effectively and efficiently promote the interest of the City.

### **SEC. 2.600 CITY EMPLOYEES**

#### 2.601.1 EQUAL OPPORTUNITY POLICY

Affirmative action shall be taken to ensure equal opportunities for all employees and prospective employees engaged in or to be engaged in service for the City of Olmos Park. Discrimination against any individual in recruitment, examination, appointment, training, promotion, retention, discipline, or any other aspect of personnel administration because of political or religious opinions and affiliations, membership or nonmembership in employee organizations, or because of race, color, national origin, marital status, or other non-merit factor is prohibited. Discrimination on the basis of age, or sex, or physical disability requirements is prohibited except where specific age, sex or physical requirements constitute a bona fide occupational qualification.

#### 2.601.2 PERSONNEL ADMINISTRATION POLICIES DISCIPLINE

The City Manager or designee thereof may take disciplinary action against an employee for just cause. Just cause shall be related to the job involved and shall include but not be limited to illegal, unethical, abusive or unsafe acts; violation of city rules, regulations, policies or procedures; insubordination; inefficiency; neglect or abandonment of duties; participation in prohibited political activity or solicitation; abuse of illness, injury, disability, or other benefits; tardiness or absence without leave; falsification of official documents or records; using or being under the influence of drugs or intoxicating beverages while on duty; waste, damage, or unauthorized use of city property or supplies; unauthorized use of disclosure of official information; and unauthorized or improper use of official authority.

#### 2.601.3 TYPES OF DISCIPLINARY ACTION

Formal disciplinary action taken shall be consistent with the nature of the deficiency or infraction involved and the record of the employee. Formal disciplinary action shall include written reprimand, suspension, and/or dismissal. Any of the foregoing types or formal disciplinary action may be invoked for a particular deficiency or infraction, depending upon the circumstances. An employee may be warned at anytime that he or she may be dismissed or otherwise disciplined for further unsatisfactory performance and/or conduct; however, such warning shall be a condition precedent to dismissal for cause. Nothing herein shall prohibit for just cause, the administration of informal disciplinary action such as oral reprimands.

#### 2.601.4 WRITTEN REPRIMAND

In the interest of good discipline and under justifiable circumstances, an employee may be reprimanded in writing. The written reprimand shall describe the deficiency of infraction involved and shall state the likely consequences of further unsatisfactory performance and/or conduct. A copy of the reprimand shall be kept in the employee's official personnel file until one year has elapsed without other formal disciplinary action being taken.

#### 2.601.5 SUSPENSION

In the interest of good discipline and under justifiable circumstances, a department head may suspend an employee without pay for a period not to exceed fifteen (15) calendar days and the City Manager may suspend an employee for a period not exceeding thirty (30) calendar days without pay. A written notice of suspension must be given to the employee which describes the deficiency or infraction involved and which states the likely consequences of further unsatisfactory performance and/or conduct. The suspension shall be noted in the employees personnel file. When the employee is under investigation for a crime or official misconduct or is awaiting hearing on a trial in a criminal matter, he or she may be suspended without pay for the duration of the proceedings when such suspension would be in the best interest on the City and the public. If the employee under investigation is cleared, he or she shall be eligible for reinstatement under such terms and conditions as may be specified by the City Manager.

#### 2.601.6 DISMISSAL

In the interest of good discipline and under justifiable circumstances, an employee may be dismissed by the City Manager from service with the City for any of the following acts or conduct:

- (1) Conviction under felony charges
- (2) Repeated convictions during service on misdemeanor and/or traffic charges
- (3) Use of intoxicants or drugs while on duty, or repeated off-duty intoxication or use of drugs, regardless of whether or not legally convicted of same
- (4) Flagrant or persistent insubordination
- (5) Conduct subversive to the proper order, discipline, or moral of City services
- (6) Inciting or engaging in strikes or riots
- (7) Misappropriation or unauthorized use of City equipment, tools, machines, funds, etc.

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- (8) Incompetence or repeated neglect of duty
- (9) Repeated failure or neglect to meet credit obligations, particularly open accounts.
- (10) Unauthorized absence from duty without satisfactory explanation

#### 2.601.7 APPEAL OF DISCIPLINARY ACTION

Formal disciplinary action taken under this code may be appealed by writing directly to the City Manager within three (3) working days following notice of the action. The action may be stayed pending decision on the appeal or may take effect at any time after issuance of the notice as determined by the City Manager. Upon request, an employee against whom the disciplinary action is taken shall be entitled to appear personally before the City Manager with or without counsel. All parties shall have the opportunity to present and cross-examine witnesses who appear. The City Manager, following careful investigation, shall have broad authority to approve, disapprove, modify, or rescind any actions taken or proposed and shall render a written decision. The City Manager's decision may be appealed to the City Council where the review will follow the same format as used by the City Manager. There will be no right of appeal for probationary employees except on the grounds of discrimination by law or these rules.

## 2.602 PARTICIPATION IN TEXAS MUNICIPAL RETIREMENT SYSTEM (Ord. 604; 6/25/79)

The City Council of the City of Olmos Park, Texas, on behalf of said City, hereby exercises its option and elects to have the City and all of the employees of all departments now existing and those hereafter created participate in the Texas Municipal Retirement System as provided in the "TMRS Act" (Art. 6243h, Vernons' Texas Civil Statutes), and all of the benefits and obligations of such System are hereby accepted as to such employees.

### 2.602.1 EMPLOYEES TO BECOME MEMBERS OF T.M.R.S.

Each person who becomes an employee of any participating department on or after the effective date of participation of such department shall become a member of the Texas Municipal Retirement System as a condition of his employment.

### 2.602.2 DEPOSIT TO T.M.R.S.

In accordance with the provisions of the Statute, the deposits to be made to the Texas Municipal Retirement System on account of current service of the employees of the several participating departments are hereby fixed at the rate of five percent (5%) of the full earnings of each employee of said departments.

### 2.602.3 PRIOR SERVICE CREDIT

Each employee who qualifies for such credit shall be allowed "Prior Service Credit" (as defined in Subsection 6(b) of Section VI of the TMRS Act) at the Rate of one hundred percent (100%) of the "Base Prior Service Credit" of such member, calculated in the manner prescribed in said Act.

### 2.602.4 CITY'S CONTRIBUTION TO T.M.R.S.

For each month of Current Service rendered to this City by each of its employees who are members of Texas Municipal Retirement System, the City will contribute to the current service annuity reserve of each such member at the time of his retirement, a sum that is, one hundred percent (100%) of such member's accumulated deposits for such month of employment; and said sum shall be contributed from the City's account in the Municipality Current Service Accumulated Fund. (Amended by Council 07/17/90)

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### 2.602.5 CITY MANAGER TO OPERATE FUND

The City Manager is hereby directed to remit to the Board of Trustees of the Texas Municipal Retirement System at its office in Austin, Texas, the City's contributions to the System and the amounts which shall be deducted from the compensation or payroll of employees, all as required by said Board under the provisions of the TMRS Act, and the said official is hereby authorized and directed to ascertain and certify officially on behalf of the City of Olmos Park, Texas, the prior service rendered to the said municipality by each of the employees of the participating departments, and the average prior service compensation received by each, and to make and execute all prior service certifications and all other reports and certifications which may be required of the City of Olmos Park, Texas, under the provisions of TMRS Act, or in compliance with the rules and regulations of the Board of Trustees of the Texas Municipal Retirement System.

### 2.602.6 EFFECTIVE DATE OF PARTICIPATION

Participation of the above mentioned employees in the Texas Municipal Retirement System shall become effective on July 1, 1979.

## 2.603 PARTICIPATION IN SUPPLEMENTAL BENEFITS FUND OF THE TEXAS MUNICIPAL RETIREMENT SYSTEM.

The City of Olmos Park, Texas, by its City Council, hereby elects to have the employees of all participating departments of said city participate in and be covered by the Supplemental Benefits Fund of the Texas Municipal Retirement System, as provided by Chapter 312, Acts Regular Session 56th Legislature; and all the benefits and obligations of participation in said Fund are

hereby accepted by the City as to such employees.

2.603.1 CITY EMPLOYEES TO BECOME MEMBERS

Each person who becomes an employee of any participating department on or after the effective date of participation of such department in said Fund shall as a condition of his employment be covered into the Supplemental Benefits Funds of said System. The City of Olmos Park, Texas, may in the future refuse to add new departments or new employees to said Fund, but shall never discontinue as to any members who are covered into the Fund.

2.603.2 CITY MANAGER TO OPERATE FUND

The City Manager is hereby directed to remit monthly to the Board of Trustees of the Texas Municipal Retirement System at its office in Austin, Texas, as the City's contributions to the Supplemental Benefits Fund of the Texas Municipal Retirement System, such percentage of earnings of the above-mentioned employees of said City as may be fixed by the Board of Trustees of the Texas Municipal Retirement System, provided that the rate of contribution to said Fund shall not exceed one-half of one percent (1/2%) of the earnings of the employees of said city who are covered under said Fund; and such official shall make for the City such reports as the Board of Trustees of the Municipal Retirement System may prescribe.

2.603.3 EFFECTIVE DATE OF PARTICIPATION

Participation of the above mentioned employees in the supplemental Benefits Fund shall be effective January 1, 1979.

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### 2.604 RETIREMENT CONDITIONS

The City of Olmos Park is a member of the Texas Municipal Retirement System. The purpose of this system is to provide a dependable plan for the retirement of employees of Texas municipalities. This plan requires a contribution from each permanent participating employee equal to five percent (5%) of his or her monthly earnings consistent with the selected retirement program. An additional amount shall be contributed by the City, and funds thus obtained provide the financial basis for monthly benefits for employees retired under this system. Membership in the retirement system is compulsory for all employees in participating departments in permanent positions who have not reached the age of fifty (50) years at the time of original employment. There shall be a six (6) month waiting period before employees will be enrolled in the system; however, the City Manager may waive all or any portion of this six (6) month period upon a recommendation by a departmental head. A member becomes eligible for "service retirement" under the system in any of the following ways:

- (a) A member who has at least fifteen (15) years of creditable service and who has reached the age of sixty (60) is eligible to retire.
- (b) A member with at least twenty-eight (28) years of creditable service can retire regardless of age.
- (c) A member who has at least twenty-five (25) years of creditable service can retire if he or she has reached the age of fifty (50) years.

### 2.605 WORKER'S COMPENSATION PLAN (Ord. No. 527, 8-16-62 and Ord No. 581, 2-8-71)

On behalf of the City of Olmos Park, Texas, the City Council hereby exercises its option and elects to have all of the employees of the City governed by Worker's Compensation Law as provided by Article 8309e, Section 3, of Vernon's Civil Statutes of Texas, 1925, as amended.

### 2.605.1 CITY MANAGERS DUTIES

The City Manager is hereby directed to cancel individual accident policies in force and provide a payroll report certification to the proper agency to secure Worker's Compensation Insurance.

#### 2.606 GROUP LIFE AND HOSPITALIZATION INSURANCE

A group hospital insurance plan covering both hospital and surgical expenses and life insurance is provided to all permanent employees of the City with the cost of the insurance being borne by the City. Permanent City employees may elect to add to their coverage at their own expense the members of their immediate family. The cost of this elected coverage shall be paid by payroll deduction. Application for dependent coverage under the group hospital insurance plan for an employee to be insured without medical question must be submitted within thirty (30) days of employment. Late enrollment must satisfy insurability to the satisfaction of the insurance company at the expense of the employee. The City's participation in the premium cost of such insurance shall not exceed fifty percent (50%).

#### 2.607 SOCIAL SECURITY FUND

The City Council acting for and on behalf of the City of Olmos Park shall enter into all necessary agreements with the State Department of Public Welfare for the purpose of carrying out the provisions of (1) House Bill 603, Acts 52nd Leg., R.S. 1951, and (2) Public Law 734, 81st Congress, Ch. 809, 2d, H.R. 6000, which provide that incorporated cities of this State may enter into such agreements and secure the benefits of Federal Old-Age and Survivors Insurance as outlined in said laws.

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#### 2.607.1 MAYOR TO ACT AS AGENT FOR CITY

The Mayor is hereby appointed as agent of the City Council and the City to execute all necessary agreements and instruments for and in behalf of said City Council and City.

#### 2.607.2 ADMINISTRATION OF FUND

The City Secretary is hereby directed to be the person responsible for making assessments, collections, payments, and reports, as required by the State Department of Public Welfare.

#### 2.607.3 ESTABLISHMENT OF FUND

A sufficient sum of money is to be allocated and set aside from available funds for the purpose of carrying out the provisions of the above-mentioned acts, such money so allocated and set aside to be known as the City of Olmos Park Social Security Fund, which fund shall be set aside and maintained in the regular city depository.

### **SEC. 2.700 PURCHASING, CONTRACTING AND BIDDING**

#### 2.701 BIDDING POLICY

It shall be the duty of the City Manager to give opportunity for competition on all purchases, sales, and contracts, without regard to the amount to be expended from city funds, whenever such competition is practicable unless such purchases, sales, and contracts are exempt from bidding requirements under Section 252.022, Texas Local Government Code, Texas Codes Annotated.

#### 2.701.1 CONTRACTS FOR FIVE HUNDRED TO FIVE THOUSAND DOLLARS

All contracts requiring expenditure of City funds exceeding five hundred dollars (\$500.00), but not exceeding five thousand dollars (\$5,000.00), except contracts which are exempt from bidding requirements under Section 252.022, Texas Local Government Code, Texas Codes Annotated, shall be awarded to the lowest responsible bidder. The City Manager shall solicit, with or without public notice, sealed bids or oral, or written quotations, at his

option, and shall submit such bids or quotations to the City Council with his recommendation as to whom the contract should be awarded. The City Council may approve or disapprove the City Manager's recommendation, reject all bids or quotations or select the party to receive the award of the contract. The City Manager shall then award the contract to the party approved by the City Council. In the event sealed bids are solicited by the City Manager, all sealed bids received shall be opened by the City Manager in public, at a date, time, and place specified in the solicitations, and shall thereafter be available for public inspection for such period of time as the City maintains files relating to such contract. The City may require successful bidders to furnish security conditioned upon the faithful performance of their contract and/or conditioned upon the payment of the wages and compensation of all laborers employed on the contract. (Amended 1988-02;05/17/1988)

#### 2.701.2 CONTRACTS FOR MORE THAN FIVE THOUSAND DOLLARS

Awards of contracts which shall require the expenditure of City funds exceeding five thousand dollars (\$5,000.00) shall be made in accordance with Chapter 252, Texas Local Government Code, Texas Codes, Annotated. (Amended 1988-02; 05/17/1988)

#### 2.701.3 CERTAIN CONTRACTS OVER TEN THOUSAND DOLLARS

Awards of all contract for the construction, repair, or renovation of a structure, road, highway, or other improvement or addition to real property which shall require the expenditure of City funds exceeding ten thousand dollars (\$10,000.00), in addition to ()  
ADMINISTRATION

complying with Chapter 252, must comply with Sections 271.021 through 271.028, Texas Local Government Code, Texas Codes Annotated. (Amended 1988-02; 05/17/1988)

#### 2.702 ACCIDENT OR EMERGENCY

In case of accident or other circumstances creating an emergency, the City Manager may, with the consent of the Council, award contracts and make purchases for the purpose of repairing damages caused by said accident or avoiding said public emergency; but immediately afterwards he shall file with the Mayor a certificate showing such emergency and the necessity of such action, together with an itemized account of all expenditures.

### **SEC. 2.800 MISCELLANEOUS**

#### 2.801 OFFICIAL NEWSPAPER

The North San Antonio Times, a daily newspaper published in San Antonio, Bexar County, Texas, is hereby designated as the official newspaper of the City for the publication of all notices, ordinances, captions and summaries of ordinances required to be published by law, and of any other matter required to be published or desired to be published by the City Council.

### **SEC. 2.900 CLAIMS AGAINST THE CITY (Ord. No. 222, 4/19/62)**

Before the City of Olmos Park shall be liable for damages for the death or personal injury of any person, or for damages to or destruction of property of any kind, the person injured, if living, or his representatives, if dead, or the owner of property injured or destroyed, shall give the Mayor or the City Manager notice in writing of such death, injury or destruction within ninety (90) days after same has been sustained, stating in such written notice when, where and how the death, injury or destruction occurred, and the apparent extent of any such injury, and the amount of damages sustained; provided, however, that in no event shall the City be liable in damages to anyone on account of any defect in, obstruction of, or anything else in connection with any sidewalk in the City. And provided, further, that in order to hold the City liable in damages to anyone on account of any injury caused to any defect in, obstruction on or anything else in connection with any street, alley, bridge, water course, or any public way, it must be shown that the City Manager, a member of City Council, or some person having superintendence or control of the work for the City had actual knowledge or actual notice of such defect, obstruction or other thing for a sufficient length of time before such injury was received to have remedied or guarded against such condition of the street, alley, bridge, water course, or public way before the

injury was received.

**2.900.1 NOTICE CANNOT BE WAIVED**

Neither the Mayor, the City Council, nor any member thereof, nor any official or employee of the City shall have any authority whatsoever to waive, relinquish or forego such required notice or any of the provisions thereof.

**SEC. 2.1000 OFFICIAL FEES** (added 1997-02; 05/21/1997)

**2.1000.1 APPEALS TO THE BOARD OF ADJUSTMENT**

The City Manager of the City of Olmos Park is directed to collect a fee of one hundred fifty dollars (\$150.00) for appeals to the Board of Adjustment for one variance plus fifty dollars (\$50) for each additional variance requested by the same property owner and heard at the same public hearing. (amended 2007-01; 06/20/2007)

**2.1000.2 REPLATTING AND REZONING**

The City Manager of the City of Olmos Park is directed to collect a fee of three hundred dollars (\$300) for applications to the Planning and Zoning Board for replatting or rezoning in any district of the City. (amended 2006-06, 6/21/2006)

**2.1000.3 COPIES OF MUNICIPAL COURT DOCUMENTS**

The following charges are established for providing copies of public information made by the municipal court clerk or deputy clerk: (added 1998-11, 01/09/98)

50 pages or less	10 cents per page
more than 50 pages	25 cents per page

**2.1000.4 PAYMENT BY CREDIT CARD**

All municipal officers of the City of Olmos Park, Texas who collect fees, fines, court costs, or other charges are authorized to accept payment of sums of \$100.00 or more by MasterCard, Visa, American Express, or Discover credit cards or by electronic means and to collect a fee for processing payments by credit card or by electronic means. The City will not accept payment by credit card or by electronic means for fees, fines, court costs, or other charges totaling less than \$100.00 and establishes the sum of \$100.00 as the minimum charge that may be paid by credit card or by electronic means. A processing fee for payment by credit card or by electronic means in the amount of 3.5% of the amount so paid is hereby set. The municipal officer collecting a fee or charge under this section shall deposit the fee or charge in the general fund of the City. (Ord. 2011-02; 01-20-2011)

**SEC. 2.1100 CITY ATTORNEY** (Amended 1998-02, 2/18/98)

The City Council shall appoint a City Attorney to offer legal opinions and represent the City in legal matters when requested by the City Manager or the City Council.

**2.1101 APPOINTMENT; TERM OF OFFICE**

The City attorney shall be appointed to serve for a term of one year, beginning January 1 and ending December 31.

**SEC. 2.1200 CITY ENGINEER** (Amended 1998-02, 2/18/98)

The City Council shall appoint a City Engineer to assist the City when requested by the City Manager or the City Council.

**2.1201 APPOINTMENT; TERM OF OFFICE**

The City Engineer shall be appointed to serve for a term of one year, beginning January 1 and ending December 31.