

CITY OF LAKEWAY, TEXAS

ORDINANCE NO. 2021-04-26-01

AN ORDINANCE OF THE CITY OF LAKEWAY, TEXAS AMENDING TITLE I: GENERAL ORDINANCES; CHAPTER 2: ADMINISTRATION AND PERSONNEL; ARTICLE 2.02 ADMINISTRATION AND PERSONNEL; SECTION 2.02.001 (APPOINTMENT AND DISMISSAL OF COMPENSATED CITY STAFF AND RESERVE POLICE OFFICERS); AND CHAPTER 12: LAW ENFORCEMENT AND COURTS; ARTICLE 12.02: MUNICIPAL COURT; SECTIONS 12.02.045 (JUDGES) AND 12.02.052 (PROSECUTIONS); AND ARTICLE 12.03: POLICE DEPARTMENT; SECTION 12.03.001 (OFFICE OF CHIEF OF POLICE); AND PROVIDING FOR SEVERABILITY, REPEALER, AND AN EFFECTIVE DATE.

WHEREAS, the City Council of the City of Lakeway, Texas, (the Council) is responsible for adopting ordinance to set policy for the City; and

WHEREAS, several provisions of the existing City Code of Ordinances relating to certain city officials no longer accurately reflect state law or have provisions that are ambiguous and/or inconsistent with policies that best serve the interests of the citizens of Lakeway; and

WHEREAS, the Council desires to remove ambiguities in the Code of Ordinances and ensure the Code aligns with state law and City policy.

NOW, THEREFORE BE IT ORDAINED by the City Council of the City of Lakeway, Texas:

1. FINDINGS OF FACT

The foregoing recitals are incorporated into this Ordinance by reference as findings of fact as if expressly set forth herein.

2. AMENDMENT NO. 1

Title I (General Ordinances), Chapter 2 (Administration and Personnel), Article 2.02 (Officers and Employees), Section 2.02.001 (Appointment and dismissal of compensated city staff and reserve police officers) is hereby amended as follows:

“Sec. 2.02.001 Appointment and dismissal of compensated city staff and reserve police officers

- (a) The city manager shall confirm the appointment of all compensated city staff and reserve police officers, except those positions specifically requiring council action pursuant to the city charter, in accordance with each annual budget as adopted by the city council.
- (b) The city manager shall have the authority to dismiss compensated city staff and reserve police officers, except department heads, which will require the consent of the city council.
- (c) Unless otherwise required by statute or other ordinance, all employees of the City and all officials identified in Article IV of the city charter shall serve at-will.
- (d) Except for the City Manager, no employee of the City or any official identified in Article IV of the city charter shall have a contract of employment or other employment agreement with the City.
 - 1) This provision does not prohibit an engagement letter or other documentation setting out the scope and financial terms of the relationship between the City and the City Attorney or Deputy City Attorney, provided nothing therein shall be construed as altering the at-will nature of the relationship.

3. AMENDMENT NO. 2

Title I (General Ordinances), Chapter 12 (Law Enforcement and Court), Article 12.02 (Municipal Court), Section 12.02.045 (Judges) is hereby amended as follows:

Sec. 12.02.045 Judges

- (a) The municipal court of record shall be presided over by a judge, who shall be known as the “municipal judge.” The judge shall be appointed by the mayor and approved by the council by ordinance. The term of the municipal judge shall ~~be two years run concurrent with that of the mayor~~ and shall continue until a successor is appointed. The judge’s compensation shall be set by the city council. The amount of the judge’s compensation may not be diminished during the judge’s term of office. The compensation may not be based directly or indirectly on fines, fees, or costs collected by the court.

4. AMENDMENT NO. 3

Title I (General Ordinances), Chapter 12 (Law Enforcement and Court), Article 12.02 (Municipal Court), Section 12.02.052 (Prosecutions) is hereby amended as follows:

Sec. 12.02.052 Prosecutions

- (a) Prosecution in the municipal court of record shall be conducted as provided by article 45.201, Code of Criminal Procedure.
- (b) The City Manager shall designate a municipal prosecutor, subject to the approval of the City Council.

- (c) The municipal prosecutor shall be either the City Attorney or another attorney duly licensed to practice law in the State of Texas, who shall then be designated as a Deputy City Attorney.

5. AMENDMENT NO. 4

Title I (General Ordinances), Chapter 12 (Law Enforcement and Court), Article 12.03 (Police Department), Section 12.03.007 (Office of chief of police) is hereby amended as follows:

Sec. 12.03.007 Office of chief of police

The position of chief of police is hereby declared to be an appointive office of the city. ~~His term of office shall correspond with the term of office of the mayor and until his successor shall have been appointed and qualified. Any policeman subordinate to the chief of police shall serve at the will and pleasure of city council.~~ The chief of police ~~may~~ shall make recommendations to the City Manager ~~mayor~~ for the appointment and employment of police officers ~~men~~, but neither the mayor nor the city council shall be bound by such recommendations.”

6. SEVERABILITY

If any section, subsection, sentence, clause, phrase or word of this Ordinance is for any reason held to be unconstitutional, such holding shall not affect the validity of the remaining portions of this Ordinance.

7. GENERAL REPEALER

All Ordinances, or parts thereof, that are in conflict or inconsistent with any provision of this Ordinance are hereby repealed to the extent of such conflict, and the provisions of this Ordinance shall be and remain controlling as to the matters regulated herein. All existing employment agreements, contracts of employment, or engagement letters at the time of passage of this Ordinance that conflict with this Ordinance shall be negotiated to terminate immediately in order to comply with this Ordinance; and if agreement cannot be reached to accomplish such, those employment agreements, contracts of employment, or engagement letters shall be terminated at the earliest opportunity consistent with their terms.

8. EFFECTIVE DATE

This Ordinance shall be effective immediately upon passage and publication as provided for by law.

9. RATIFICATION

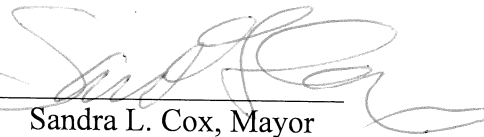
All existing employees or appointed officials other than the City Manager or any employee or official subject to statutory exceptions for length of term of office are hereby ratified to have been appointed or employed as at-will employees.

10. PROPER NOTICE & MEETING

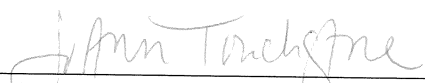
It is hereby officially found and determined that the meeting at which this Ordinance was passed was open to the public, and that public notice of the time, place and purpose of said meeting was given as required by the Open Meetings Act, Chapter 551 of the Texas Government Code.

PASSED & APPROVED this 26th day of April, 2021, by the City Council of Lakeway, Texas.

CITY OF LAKEWAY:

By: 
Sandra L. Cox, Mayor

ATTEST:


Jo Ann Touchstone, City Secretary

