

# City of Lavon Code of Regulations

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# City of Lavon Code of Regulations

## Title 1 – Definitions and Structure

### Subtitle 1 – Code Structure

#### Chapter 1 – General

##### 1.1.1.1 Structure

- A) The structure of the City of Lavon “Code of Regulations” shall be as follows: Title, Subtitle, Chapter, Section and Paragraph.
- B) Each Title, Subtitle, Chapter and Section shall be assigned a numerical value separated by a decimal point.
- C) Each Paragraph shall be assigned either an alpha or numeric value and be indented based on its relationship to the preceding paragraphs.

##### 1.1.1.2 Titles

- A) Titles are the highest level of division within the Code of Regulations. Each Title shall reflect a general area of governmental responsibility. Additional titles may be added as required.
- B) The City Code shall contain as many Titles as required. Each Title shall be sequentially numbered.
- C) The current approved Titles are:
  - (1) Title 1 – Definitions and Structure
  - (2) Title 2 – Health and Safety
  - (3) Title 3 – Administration
  - (4) Title 4 – Land Use

##### 1.1.1.3 Subtitles

- A) Subtitles are the second highest level of division with in the City Code. Each Subtitle shall reflect a targeted area of governmental responsibility. Additional Subtitles may be added as required.
- B) The City Code shall contain as many Subtitles as required. Each Subtitle shall be sequentially numbered.
- C) Examples of possible Subtitles are:
  - 1) Subtitle 1 – City Structure
  - 2) Subtitle 2 – Municipal Officers
  - 3) Subtitle 3 – Committees and Commissions
  - 4) Subtitle 4 – Ethics

##### 1.1.1.4 Chapters

- A) Chapters are the most focused level of division with in the City Code. Each Chapter shall reflect specific governmental responsibility. Additional Chapters may be added as required.
- B) The City Code shall contain as many Chapters as required. Each Chapter shall be sequentially numbered.
- C) Examples of possible Chapter are:
  - 1) Chapter 1 – Form of Government
  - 2) Chapter 2 – Legislative Branch
  - 3) Chapter 3 – Executive Branch

# City of Lavon Code of Regulations

## Title 1 – Definitions and Structure

### 4) Chapter 4 – Judicial Branch

#### 1.1.1.5 Sections

- A) Sections are the actual rules and laws of the City, contained in the City Code. Each Section shall reflect a specific rule or law relating to the governmental responsibility of that Chapter. Additional Sections may be added as required.
- B) The City Code shall contain as many Sections as required. Each Section shall be sequentially numbered.
- C) Examples of possible Sections are:
  - 1) “3.2.4.1 General”
  - 2) “3.2.4.2 Selection of City Secretary”
  - 3) “3.2.4.3 Duties of the City Secretary”
  - 4) “3.2.4.4 Supervision of the City Secretary”

#### 1.1.1.6 Paragraphs

- A) Paragraphs are the individual parts of each Section. The Paragraph works to make the Section readable and understandable. Additional Paragraphs may be added as required.
- B) Each Paragraph shall be assigned either an alpha or numeric value and be indented based on its relationship to the preceding paragraphs.
- C) An example of a part of a Section with its internal Paragraph’s is:

##### “3.2.4.1 General

- A) The City Secretary’s office shall be the primary support staff for the Legislative Branch of the City of Lavon.
- B) The City Secretary’s office shall be responsible for the safe keeping, storage, retrieval and dissemination of all records of the City of Lavon.

##### 3.2.4.2 Selection of City Secretary

- A) The City Council shall nominate and by majority vote select a qualified candidate to fill a vacancy in the office of City Secretary.
- B) The term of office for the City Secretary shall be at the discretion of the City Council.
- C) During such times as the office of City Secretary becomes vacant, the City Manager shall designate an employee to serve as the Acting City Secretary until the City Council shall convene to approve a new City Secretary. The Acting City Secretary shall answer to the City Manager except in legislative matters. The Acting City Secretary shall answer to the City Council in legislative matters. “

## Chapter 2 – Code Page Layout

#### 1.1.2.1 Headers

# City of Lavon Code of Regulations

## Title 1 – Definitions and Structure

A) Each page of the code shall contain a header showing the code title “City of Lavon Code of Regulations” in Times New Roman typeset in 20 point font, centered from left to right and on the topmost line of the header.

B) Each page of the code shall contain a header showing the word “Title” followed by: the Title number; a dash; and the Title name for the Title covered by the page in Times New Roman typeset in 20 point font, centered from left to right and on the second from the topmost line of the header.

1) For example “Title 1 – Definitions and Structure”

### 1.1.2.2 Footers

A) Each page of the code shall contain a footer showing the page number as a numerical value, in Times New Roman typeset in 12 point font, centered from left to right and on the topmost line of the footer.

B) Each page inserted between two (2) previously numbered pages shall show the lowest whole number page and a sequential alphabetic numeric designation consistent with the following examples:

1) The page number for a page inserted between page 20 and page 21 would be 20a.

2) The page number for a page inserted between page 20a and page 21 would be 20b.

3) The page number for a page inserted between page 20a and page 20b would be 20a1.

### 1.1.2.3 Subtitle

A) At the beginning of each Subtitle the word “Subtitle” followed by: the Subtitle number; a dash; and the Subtitle name for the Subtitle that follows in bold Times New Roman typeset in 18 point font, centered from left to right.

(1) For example “Subtitle 1 – Code Structure”

B) If the Subtitle begins a new page, this wording will appear on the topmost line of the page.

C) If the Subtitle starts after a different Subtitle on the same page, the new Subtitle will follow two lines of 12 point font spacing separating it from the previous Subtitle.

### 1.1.2.4 Chapter

A) At the beginning of each Chapter the word “Chapter” followed by: the Chapter number; a dash; and the Chapter name for the Chapter that follows in bold Times New Roman typeset in 16 point font, left justified.

1) For example “Chapter 2 – Code Page Layout”

B) If the Chapter is the first in the Subtitle and it begins a new page, this wording will appear on the topmost line following the Subtitle.

C) If the Chapter is the first in the Subtitle and it starts after a different Subtitle on the same page, the new Chapter will appear on the line following the Subtitle.

# City of Lavon Code of Regulations

## Title 1 – Definitions and Structure

- D) If the Chapter is not the first in the Subtitle and it begins a new page, this wording will appear on the topmost line of the page.
- E) If the Chapter starts after a different Chapter in the same Subtitle on the same page, the new Chapter will follow two lines of 12 point font spacing separating it from the previous Chapter.

### 1.1.2.5 Section

A) At the beginning of each Section there shall be a numerical representation for the Title, Subtitle, Chapter and Section, each separated by a decimal point. A single space and the name for the Section will follow the numerical representation. The numerical representation and Section name shall be in Times New Roman typeset in 12 point font, left justified.

- 1) For example “1.1.2.1 Headers”

- B) If the Section is the first in the Chapter and it begins a new page, this wording will follow one line of 12 point font spacing separating it from the Chapter.
- C) If the Section is the first in the Chapter and it starts after a different Chapter on the same page, the new Chapter will follow one line of 12 point font spacing separating it from the Chapter.
- D) If the Section is not the first in the Chapter and it begins a new page, this wording will appear on the topmost line of the page.
- E) If the Section starts after a different Section in the same Chapter on the same page, the new Section will follow one line of 12 point font spacing separating it from the previous Section.

### 1.1.2.6 Paragraphs

A) At the beginning of each Paragraph there shall be a sequential alpha numeric designation, followed by a right parenthesis. A single space and the text of the Paragraph will follow the alpha numeric representation.

B) The Alpha numeric representation of the Paragraph and the text of the Paragraph shall be in Times New Roman typeset in 12 point font.

- 1) For Primary Paragraphs the alpha numeric representation for the Paragraph shall be a capital letter of the Latin alphabet, indented one half (1/2) inch from left justification.
- 2) For secondary Paragraphs the alpha numeric representation for the Paragraph shall be a number of the Arabic number system, indented one (1) inch from left justification.
- 3) For tertiary Paragraphs the alpha numeric representation for the Paragraph shall be a lower case letter of the Latin alphabet, indented one and one half (1/2) inch from left justification.
- 4) For quaternary Paragraphs the alpha numeric representation for the Paragraph shall be a number of the Roman numeral system, indented two (2) inches from left justification.

# City of Lavon Code of Regulations

## Title 1 – Definitions and Structure

- B) If the Paragraph is the first in the Section and it begins a new page, this wording will appear on the line following the Section.
- C) If the Paragraph is not the first in the Section and it begins a new page, this wording will appear on the topmost line of the page.
- E) If the Paragraph starts after a different Paragraph in the same Section on the same page this wording will appear on the line following the pervious Paragraph if the Paragraph is to be indented the same or more than the previous Paragraph.
- F) If the Paragraph starts after a different Paragraph in the same Section on the same page this wording will follow one line of 12 point font spacing separating it from the previous Section if the Paragraph is to be indented less than the previous Paragraph.

### 1.1.2.7 Amendment Notations

- A) At the end of each Section for which an amendment has occurred, the City Secretary shall include a notation detailing the Ordinance number and date of each amendment to the section.
- B) Each amendment notation for the same Section shall be separated by a semi colon.
- C) The amendment notation will follow one line of 12 point font spacing separating it from the Section.
- D) The amendment notation for the Section shall be in Times New Roman typeset in 10 point font.
  - 1) For example “Amended 6 July 2010 Ord. 2010-07-01;”

### 1.1.2.8 Indexes

- A) The City Secretary shall create an Index for each Title.
- B) The City Secretary shall insert the Indexes at the beginning of each Title.
- C) Indexes shall be created for convenience and shall not be a part of the Code of Regulations.
- D) Since the Indexes are not a part of the Code of Regulations: amendments or changes to the Indexes shall be at the discretion of the City Secretary and shall not require an enabling Ordinance or approval of the City Council.
- E) The Index shall include Subtitles within each Title, the Chapters within each Subtitle and the Sections within each Chapter.
- F) The typeset and font shall correspond with the requirements for typeset and font of the information indexed.
  - 1) For example (the quotations are included to indicate the entry is an example only):

“Subtitle 1 – Code Structure”

“Chapter 1 – General”

“1.1.1.1 Structure”

“1.1.1.2 Titles”

“1.1.1.3 Subtitles”

“1.1.1.4 Chapters “

# City of Lavon Code of Regulations

## Title 1 – Definitions and Structure

“1.1.1.5 Sections”

“1.1.1.6 Paragraphs “

### “Chapter 2 – Code Page Layout”

“1.1.2.1 Headers”

“1.1.2.2 Footers”

“1.1.2.3 Subtitle”

“1.1.2.4 Chapter”

“1.1.2.5 Section”

“1.1.2.6 Paragraphs”

“1.1.2.7 Amendment Notations”

“1.1.2.8 Indexes”

G) The Indexes may or may not include the page number for the item indexed.

H) The pages of the indexes shall be themselves numbered using Roman numerals.

## Chapter 3 – Amendments to the Code of Regulations

### 1.1.3.1 Amendments to be Adopted by Ordinance

A) Except in the case of a Sunset Provision, all amendments, changes or deletions of the code shall be adopted by Ordinance of the City of Lavon.

B) The City Council for the City of Lavon may establish Sunset Provisions for portions of a Section or complete Sections, causing the Section or portion of Section to expire on a specific date.

1) In the case of a Sunset Provision the sun-setting Section or portion of Section may be deleted from the Code of Regulations without the provisions of an amending Ordinance.

2) The deletion of a sun-setting Section or portion of a Section may not occur prior to the date specified in the Sunset Provision.

### 1.1.3.2 Adopting New Titles

A) Each new Title adopted and incorporated into the Code of Regulations shall be placed after the last most Title then included in the Code of Regulations.

B) Each new Title adopted and incorporated into the Code of Regulations shall be sequentially numbered in such a manner as not to duplicate any number used in a previous Title.

### 1.1.3.3 Adopting New Subtitles

A) Each new Subtitle adopted and incorporated into the Code of Regulations shall be placed within the appropriate Title and after the last most Subtitle then included in the Title.

B) Each new Subtitle adopted and incorporated into the Code of Regulations shall be sequentially numbered in such a manner as not to duplicate any number used in a previous Subtitle.



# City of Lavon Code of Regulations

## Title 1 – Definitions and Structure

### 1.1.3.4 Adopting New Chapters

A) Each new Chapter adopted and incorporated into the Code of Regulations shall be placed within the appropriate Subtitle and after the last most Chapter then included in the Subtitle.

B) Each new Chapter adopted and incorporated into the Code of Regulations shall be sequentially numbered in such a manner as not to duplicate any number used in a previous Chapter.

### 1.1.3.5 Adopting New Sections

A) Each new Section adopted and incorporated into the Code of Regulations shall be placed within the appropriate Chapter and after the last most Section then included in the Chapter.

B) Each new Section adopted and incorporated into the Code of Regulations shall be sequentially numbered in such a manner as not to duplicate any number used in a previous Section.

### 1.1.3.6 Adopting New Paragraphs

A) Each new Paragraph adopted and incorporated into the Code of Regulations shall be placed within the appropriate Section at the appropriate location to provide the most clarity of the Legislative Intent.

B) Each new Paragraph adopted and incorporated into the Code of Regulations shall be sequentially numbered as described in LCR 1.1.2.6 Paragraphs in such a manner as not to duplicate any number used in a previous Paragraph.

### 1.1.3.7 Deletions

A) Except in the case of a Sunset Provision, all deletions of the code shall be adopted by Ordinance of the City of Lavon.

B) A deletion may be a:

- 1) full or partial Subtitle; or
- 2) full or partial Chapter; or
- 3) full or partial Section; or
- 4) full or partial Paragraph; or
- 5) full or partial sentence; or
- 6) word.

C) All deletions shall remain a part of the Code of Regulations and be denoted by a single strikeout through the words deleted.

D) An example of amendment replacing a sentence:

1) For example (the quotations are included to indicate the entry is an example only):

a) Original sentence: The pool will be closed at night.

b) The replacement sentence: The pool's hours shall be from 8:00 am to 8:00 pm, seven days a week.

# City of Lavon Code of Regulations

## Title 1 – Definitions and Structure

c) How it would appear in code: ~~The pool will be closed at night.~~  
The pool's hours shall be from 8:00 am to 8:00 pm, seven days a week.

E) An example of amendment replacing a word:

1) For example (the quotations are included to indicate the entry is an example only):

a) Original sentence: The pool's hours shall be from 8:00 am to 8:00 pm, seven days a week.

b) The replacement sentence: The pool's hours shall be from 8:00 am to 8:00 pm, five days a week.

c) How it would appear in code: The pool's hours shall be from 8:00 am to 8:00 pm, ~~seven~~ five days a week.

### 1.1.3.8 Renumbering of Pages of a Title

A) From time to time, an amending ordinance may call for the renumbering of pages within a Title.

B) The effect of renumbering of pages shall be that:

1) The Title will be formatted to include any amendment pages issued; and

2) Blank portions of pages caused by insertion of amendment pages will be removed from the title; and

3) Each page of the Title will be renumbered starting with 1 for the first page and continues until each page receives a sequential number.

C) No information related to amendment notations or strikeouts shall be removed during renumber.

## Chapter 4 – Severability

### 1.1.4.1 Severability

A) It is hereby declared by the City Council of the City of Lavon that if any of the sections, paragraphs, sentences, clauses or phrases of this Code of Regulations shall be declared unconstitutional or otherwise illegal by the valid judgment or decree of any court of competent jurisdiction, such event shall not effect any of the remaining sections, paragraphs, sentences, clauses or phrases of this Code of Regulations.

## Subtitle 2 – Definitions

### Chapter 1 – Definitions Applicable to all Titles

#### 1.2.1.1 General Definitions

A) Unless otherwise specified, the following definitions are applicable to all Titles within the Code

# City of Lavon Code of Regulations

## Title 1 – Definitions and Structure

### Aldermanic Proclamation

Shall mean a public announcement of an Alderman of the City of Lavon as proclaimed by the Alderman. Aldermanic proclamations are ceremonial in nature and may not reflect the policy of the City.

### Authorized Emergency Vehicle

Shall mean a fire department vehicle; a police vehicle; a Marshal's office Vehicle; a public or private ambulance operated by a person who has been issued a license by the Texas Department of Health; a municipal department or public service corporation Authorized Emergency Vehicle that has been designated or authorized by the City Council; a private vehicle of a volunteer firefighter or a certified emergency medical services employee or volunteer when responding to a fire alarm or medical emergency; a privately owned vehicle owned or leased by a Law Enforcement Officer of the City that has been authorized as an authorized emergency vehicle by order of the Chief of Police or the City Marshal; or any other vehicle authorized as an emergency vehicle under Texas State law.

Amended 20 April 2010 Ord. 2010-04-05

### Bill of Ordinance

Shall be the form in which a proposed Ordinance is brought before the City Council for consideration and action.

### Bill of Proclamation

Shall be the form in which a proposed Proclamation is brought before the City Council for consideration and action.

### Bill of Resolution

Shall be the form in which a proposed Resolution is brought before the City Council for consideration and action.

### Code of Regulations (LCR)

Shall mean a set of documents that describe the City of Lavon codes, regulations, rules and laws, as adopted in a single comprehensive record known as the Code of Regulations. It shall exclude those sections, regulations, rules and laws adopted by ordinance, executive privilege or administrative action outside the codification process.

### Deliberations

Shall mean any discussion between: a majority of the Alderman of the City; a majority of the members of the same board of the Legislative Branch of the City of Lavon; or a majority of the members of the Planning and Zoning Commission -

# City of Lavon Code of Regulations

## Title 1 – Definitions and Structure

that involves any past, present, future or potential business of the City of Lavon in any possible way. For the purpose of this definition a person is involved in the discussion if they can hear any portion of the discussion and any other participant knows or should know they can hear the discussion. The definition shall include what is commonly known as a walking quorum.

### Directive or Order of the Governing Body

Shall mean any direction given to any Municipal Officer or employee by the Mayor, Alderman or City Council which could, if not complied with, result in any form of disciplinary action.

### Electronic Media Devices

Shall mean a computer, laptop or any other device for creating, editing, storing, or transmitting email, electronic files or digital media. This definition shall exclude cell phones and fax machines.

Amended 15 June 2010 Ord. 2010-06-02

### For the Record

A statement or document submitted by an authorized person for inclusion in the official record of a meeting. The submission must occur at the appropriate time during the meeting and is usually “read into” or “for” the record.

### LCR

Shall be the acronym for the Code of Regulations. This acronym is typically used in citations for example: LCR 1.1.2.1 Headers is a common usage citation of “City of Lavon Code of Regulations Title 1 – Definitions and Structure, Subtitle 1 – Code Structure, Chapter 2 – Code Page Layout, Section – 1 Headers”

### Legislative Intent

The legislative Branch’s intentions in enacting a bill into law, frequently derived from the, meeting minutes, supporting documents and legislative history.

### Mayoral Proclamation

Shall mean a public announcement of the Mayor of the City of Lavon as proclaimed by the Mayor. Mayoral proclamations are ceremonial in nature and may not reflect the policy of the City.

### Master Code of Regulations

Shall mean the Code of Regulations with an additional attached appendix that includes all additions, deletions, amendments and changes since the last formal adoption of the complete Code of Regulations. It shall also include the dates of all actions and their associated enacting ordinance numbers. The Master Code of Regulations shall be maintained as an official record in the City Secretary’s office.

# City of Lavon Code of Regulations

## Title 1 – Definitions and Structure

### Non-Statutory Committee

Shall mean a committee formed under the authority for non-statutory committees as designated in the Lavon Code of Regulations; and consisting of two or more individuals selected to perform one or more tasks or to conduct research for the benefit of the City of Lavon. The Composition of this committee may include: citizens of the City of Lavon; citizens of the State of Texas who are not citizens of the City; persons who are not citizens of the state of Texas but who have specific skills or knowledge of value to the committee; and may include employees of the City.

Amended 20 April 2010 Ord. 2010-04-05

### Ordinance

Shall mean a statute, regulation or law of the City as adopted by motion and vote of the City Council.

### Proclamation

Shall mean a formal public announcement of the City as adopted by motion and vote of the City Council.

### Resolution

Shall mean a formal statement of a decision or expression of opinion of the City as adopted by motion and vote of the City Council.

### Separation of Powers

Shall mean where the power and authority of the government is dispersed across the three (3) separate but equal branches of government. The three (3) branches are: the Legislative Branch; the Executive Branch; and the Judicial Branch.

### Statutory Committee

Shall mean a committee designated as a statutory committee in the Lavon Code of Regulations; or formed by adoption of an ordinance; and consisting of two or more individuals selected to perform one or more tasks or to conduct research for the benefit of the City of Lavon. The Composition of this committee shall be designated in the enabling ordinance or within the Lavon Code of Regulations.

Amended 20 April 2010 Ord. 2010-04-05

### Sunset Provision

Shall mean a provision in a ordinance, statute or regulation that terminates or repeals all or portions of the law after a specific date, unless further legislative action is taken to extend it. Most laws do not have sunset clauses; in such cases, the law goes on indefinitely.

### Supervising Municipal Officer

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## Title 1 – Definitions and Structure

Shall mean the City Manager, Chief Justice, City Secretary and any other Municipal Officer designated by the City Council as supervising subordinate City employees. This term shall not include City Council Members.

Amended 20 April 2010 Ord. 2010-04-05

### Vicious Animal

Shall mean any animal, except a dog assisting a peace officer engaged in law enforcement duties, which without provocation attacks or bites any human being or any domestic animal which has a known propensity to attack or bite human beings or animals, including a dangerous dog as defined in Texas Health and Safety Code Sec. 822.0421. DETERMINATION THAT DOG IS DANGEROUS but not including an animal which bites, attacks or menaces a trespasser on the property of its owner or harms or menaces anyone who has tormented, tortured, or exhibited cruelty to such animal.

Amended 6 April 2010 Ord. 2010-04-02

Chapter 2 – Definitions Applicable only to Title 1

Chapter 3 – Definitions Applicable only to Title 2

Chapter 4 – Definitions Applicable only to Title 3

Chapter 5 – Definitions Applicable only to Title 4

# City of Lavon Code of Regulations

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# City of Lavon Code of Regulations

## Title 2 – Health and Safety

### Subtitle 1 – Traffic Code

#### Chapter 1 – General

#### Subtitle 2 – Penal Code

#### Subtitle 3 – Development and Construction Code

#### Subtitle 4 – Health Code

#### Chapter 1 – 911 Addressing

##### 2.4.1.1 Required 911 Addressing on Single Family Residential Homes

A) The owner and each occupant shall be responsible for ensuring that their residential property displays 911 addressing meeting the following criteria:

- 1) the numerical address shall be clearly visible and readable from the street during daylight hours; and
- 2) the numerical address shall be clearly visible and readable from the street with the aid of a flashlight during the hours of darkness; and
- 3) if the front of the house is located less than fifty (50) feet from a public roadway, the numerical address shall be located on:

- a) the front of the house using four (4) inch or larger numbers; or
- b) on the curb of the street directly in front of the residence using four (4) inch or larger numbers; or
- b) on the mailbox directly in front of the residence using two (2) inch or larger numbers; or
- c) on a signpost within three (3) feet of the intersection of the driveway and the street directly in front of the residence using three (3) inch or larger numbers.

4) if the front of the house is located fifty (50) feet or more from a public roadway, the numerical address shall be located on the front of the house and on either:

- a) the curb of the street directly in front of the residence using four (4) inch or larger numbers; or
- b) the mailbox directly in front of the residence using two (2) inch or larger numbers; or
- c) a signpost within three (3) feet of the intersection of the driveway and the street directly in front of the residence using three (3) inch or larger numbers.

Amended 20 April 2010 Ord. 2010-04-05

##### 2.4.1.2 Required 911 Addressing on Secondary or Accessory Residences

# City of Lavon Code of Regulations

## Title 2 – Health and Safety

A) The owner and each occupant shall be responsible for ensuring that any secondary or accessory residences, on the same lot as their single family residential property displays, 911 addressing meeting the following criteria:

- 1) the same numerical address as the primary residence with “½” added on the end; and
- 2) the address shall be displayed within three (3) feet of the main door to the secondary or accessory residence using three (3) inch or larger numbers; and
- 3) the numerical address shall be clearly visible and readable from the sidewalk leading to the secondary or accessory residence.

Amended 20 April 2010 Ord. 2010-04-05

### 2.4.1.3 Required 911 Addressing on Multi Family Residences or Apartment Complexes

A) The owner, manager and each occupant shall be responsible for ensuring that their multi family residences or apartment complex property displays 911 addressing meeting the following criteria:

- 1) the numerical address shall be clearly visible and readable from the street during daylight hours; and
- 2) the numerical address shall be clearly visible and readable from the street with the aid of a flashlight during the hours of darkness; and
- 3) the numerical address shall be located:
  - a) at each entrance to the parking lot on a signpost within ten (10) feet of the intersection of the driveway and the street using three (3) inch or larger numbers; and
    - 1) If the driveway entrance is on a street other than the street of the address, the address sign must include the address street name.
  - b) on each sign for the multi family residences or apartment complexes that is located on the property using six (6) inch or larger numbers; and
    - 1) If the sign is on a street other than the street of the address, the address must include the address street name.
  - c) within three (3) feet of the main door to the office for the multi family residences or apartment complexes that is located on the property, using three (3) inch or larger numbers.

B) The owner, manager and each occupant shall be responsible for ensuring that each unit, residence, or apartment on the property displays, 911 addressing meeting the following criteria:

- 1) a unique alpha or numeric unit or apartment number shall be displayed within three (3) feet of the main door to each unit, residence, or apartment using three (3) inch or larger numbers; and

# City of Lavon Code of Regulations

## Title 2 – Health and Safety

3) the numerical address shall be clearly visible and readable from the sidewalk leading to each unit, residence, or apartment.

Amended 20 April 2010 Ord. 2010-04-05

### 2.4.1.4 Required 911 Addressing on Commercial or Business Properties

A) The owner, manager and each occupant shall be responsible for ensuring that their commercial or business property displays 911 addressing meeting the following criteria:

1) the numerical address shall be clearly visible and readable from the street during daylight hours; and

2) the numerical address shall be clearly visible and readable from the street with the aid of a flashlight during the hours of darkness; and

3) the numerical address shall be located:

a) at each entrance to the parking lot on a signpost within ten (10) feet of the intersection of the driveway and the street using three (3) inch or larger numbers; and

1) If the driveway entrance is on a street other than the street of the address, the address sign must include the address street name.

b) on the primary sign for the commercial or business property that is located on the property using six (6) inch or larger numbers; and

1) If the sign is on a street other than the street of the address, the address must include the address street name.

c) within three (3) feet of the main door to the building on the commercial or business property that is located on the property, using three (3) inch or larger numbers.

B) The owner, manager and each occupant shall be responsible for ensuring that each unit displays, 911 addressing meeting the following criteria:

1) a unique alpha or numeric unit number shall be displayed within three (3) feet of the main door to each unit using three (3) inch or larger numbers; and

3) the numerical address shall be clearly visible and readable from the sidewalk or hallway leading to each unit.

Amended 20 April 2010 Ord. 2010-04-05

### 2.4.1.5 Penalty for Violation of this Chapter

A) Any person violating any portion of this Chapter shall be deemed guilty of a Class "C" misdemeanor and upon conviction be punishable by a fine of not more than two hundred dollars (\$200.00).

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B) Each act shall constitute a separate violation under this Chapter and shall result in a separate fine.

Amended 20 April 2010 Ord. 2010-04-05

### Subtitle 5 – Nuisance Code

### Subtitle 6 – Animal Code

Chapter 1 – General

Chapter 2 – Rabies Control

Chapter 3 – Animal Attacks

Chapter 4 – Animal Quarantine

Chapter 5 – Animal Registration

Chapter 6 – Animal Offenses

Chapter 7 – Prohibited Animals

Chapter 8 – Dangerous Animals

Chapter 9 – Vicious Animals

2.6.9.1 Vicious Animals Prohibited

A) No animal which has been declared a vicious animal nor any animal possessing fierce, dangerous or vicious propensities, whether, licensed or not, shall be allowed in the city.

Amended 6 April 2010 Ord. 2010-04-02

2.6.9.2 Exemption for Law Enforcement and Watch Dogs

A) Dogs used by law enforcement authorities or approved by the Chief of Police, as evidenced by a written letter of exemption, as watch dogs for business establishments and securely confined thereto shall be exempt from this Chapter.

B) The Chief of Police may, by written order, withdraw his approval of exception on any animal previously exempted.

Amended 6 April 2010 Ord. 2010-04-02

2.6.9.3 Authorized Use of Force

A) A peace officer or animal control officer may use such force as is reasonably necessary to protect members of the public from any vicious dog or other animal wherein the actions of such animal reasonably appear to constitute an imminent threat of injury to any human being or domestic animal, including, when necessary, taking such animal's life.

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## Title 2 – Health and Safety

Amended 6 April 2010 Ord. 2010-04-02

### 2.6.9.4 Harboring a Vicious Animals

A) When the Chief of Police or the supervisor of animal control has determined upon the criteria set forth herein that an animal is vicious and is being kept and harbored in the city he may, in addition to the criminal sanctions imposed herein, take the following steps to abate such violation which is herein declared to be a nuisance:

1) Give written notice to the owner or person having control over the vicious animal or the property upon which the animal is kept or harbored to cease and desist the keeping and harboring of a vicious animal in the city within twenty-four (24) hours. A notice provided for in this section is properly served when it is delivered to the owner of the animal or custodian-in charge, or when it is sent by certified mail, return receipt requested, to the last known address of the owner or custodian of the animal.

2) Upon failure of the owner or person in control of the vicious animal or in control of the property wherein the animal is kept or harbored to comply with the notice, the any peace officer or the supervisor of animal control may make affidavit setting forth the facts indicting that such animal is vicious and constitutes an imminent threat to the life and safety of the public by reason thereof and make application to the judge of the municipal court for a warrant to go upon the premises and secure and impound such vicious animal to be held by animal control pending a hearing if requested by the owner or person having control over the animal or over the property wherein the animal was seized. If no request for hearing has been made within ten (10) days, the animal may be disposed of as in other cases but shall not be let for adoption.

3) Provided, however, that the owner or person from whom the animal was seized may reclaim the animal any time upon assurance satisfactory to the Chief of Police, or in case of dispute between the parties, a cash escrow deposit set by the municipal judge, that said party will comply with said order of the Chief of Police, control until such time as it may be determined that the order was issued in error and that the keeping of such animal in the city poses no threat or hazard of injury to a human being.

4) The hearing provided for in this section shall be conducted before the municipal court.

Amended 6 April 2010 Ord. 2010-04-02

### 2.6.9.5 Owner Liability for a Vicious Animal

A) The owner of a vicious or dangerous animal shall be held strictly liable for any violation of this Chapter and for any damages caused thereby.

Amended 6 April 2010 Ord. 2010-04-02

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## Title 2 – Health and Safety

- Chapter 10 – Impoundment
- Chapter 11 – Livestock
- Chapter 12 – Youth Projects
- Chapter 13 – Fowl
- Chapter 14 –Sanitary Conditions
- Chapter 15 –Treatment of Animals
- Chapter 16 – Enforcement
- Chapter 17 – Penalties

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## Title 3 – Administration

### Subtitle 1 – City Structure

#### Chapter 1 – Form of Government

##### 3.1.1.1 Type “A” General Law Municipality

- A) On August 21, 1997 the City of Lavon became a type “A” General Law Municipality as defined in the Texas Local Government Code (TLCG) 5.001.
- B) The City of Lavon shall continue to operate as a Type “A” General Law Municipality until such time as the City becomes a Home Rule City.

##### 3.1.1.2 City Manager form of Government

- A) The City of Lavon operates under the City Manager form of government as defined in the Code of Regulations, the Ordinances of the City of Lavon, and the Laws of the State of Texas.

##### 3.1.1.3 Separation of Powers

- A) In the tradition of the State of Texas and the United States of America, the City of Lavon has adopted the traditional Separation of Powers, wherein the power and authority of the government is dispersed across the three (3) separate but equal branches of government.

- B) The three (3) branches are:

- 1) the Legislative Branch; and
- 2) the Executive Branch; and
- 3) the Judicial Branch.

- C) Each of the separate branches of government are more completely explained in Chapters 2 (Legislative Branch) Chapter 3 (Executive Branch), and Chapter 4 (Judicial Branch) of this Subtitle.

##### 3.1.1.4 Organizational Structure of the City

- A) The government of the City is separated into the three (3) branches indentified in 3.1.1.3 Separation of Powers.

- 1) The Legislative Branch.
- 2) The Executive Branch.
- 3) The Judicial Branch.

- B) Each Branch of the City may be separated into departments. Examples of departments for each branch are:

- 1) The Legislative Branch:
  - a) the City Council; and
  - b) the City Secretary’s Office; and
  - c) the Planning and Zoning Commission.

- 2) The Executive Branch:
  - a) the City Manager’s Office; and
  - b) the City Marshal’s Office; and



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c) the Public Works.

3) The Judicial Branch:

- a) the Chief Justice's Office; and
- b) the City Prosecutor's Office; and
- c) the Court Clerk's Office.

C) Each Department of the City may be separated into divisions. An example of a division within a department is the investigation division within the police department.

## Chapter 2 – Legislative Branch

### 3.1.2.1 Primary Authority

- A) The City Council is the primary authority for the Legislative Branch of government of the City of Lavon.
- B) The power and authority of the Legislative Branch is vested with the City Council as a body.

### 3.1.2.2 Powers and Duties of the Legislative Branch

- A) The Legislative Branch and the members thereof shall have all the power, authority and duties assigned to them by State Law, the Code of Regulations and other Ordinances of the City - except those duties assigned to the Executive Branch or Judicial Branch of the City of Lavon by the Code of Regulations or other Ordinances of the City of Lavon.
- B) The Legislative Branch shall have the authority to make and approve all Laws of the City by the passage of Ordinances.
- C) The Legislative Branch shall have the authority to establish the policies of the Legislative Branch by the passage of Resolutions.
- D) The Legislative Branch shall have the authority to set the annual Tax Rate.
- E) The Legislative Branch shall have the authority to apportion the monies of the City in the annual budget, planning for the expenditures of the upcoming fiscal year.
  - 1) The Legislative Branch shall have the authority to amend the annual budget at any time they deem appropriate.

### 3.1.2.3 Structure of City Council

- A) The City Council shall consist of five (5) voting Alderman and the Mayor.
- B) The Alderman of the City are elected at large and places on the City Council do not reflect a district or area.
- C) The term of office for the Mayor or Alderman shall be for two (2) years, except:
  - 1) in the case of appointment to fill a vacant place on the City Council, such term shall be until the next regular election; and

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2) in the case of an election to fill an unexpired term, such term shall be for the balance of the unexpired term.

### 3.1.2.4 Election to the City Council

A) Candidates for the Office of Mayor or Alderman for the City of Lavon must comply with all applicable State Laws and Ordinances of the City of Lavon.

B) Each candidate for office shall file an application for a place of the ballot and specify the office for which they are running. For example:

- 1) Mayor; or
- 2) Alderman Place five; or
- 3) Alderman Place Two.

C) The ballots shall reflect the office for which the election is being held and the name of each candidate for that office.

D) The election to fill odd numbered City Council seats shall be held during the spring general election (most often in May) in even numbered years. This includes:

- 1) Alderman Place One; and
- 2) Alderman Place Three; and
- 3) Alderman Place Five.

E) The election to fill even numbered City Council seats shall be held during the spring general election (most often in May) in odd numbered years. This includes:

- 1) Alderman Place Two; and
- 2) Alderman Place Four.

F) The election to fill the Mayors seats shall be held during the spring general election (most often in May) in odd numbered years.

### 3.1.2.5 Legislative Branch Structure

A) The Legislative Branch shall consist of:

- 1) the Mayor and Alderman of the City as the governing body known as the City Council; and
- 2) the Municipal officers of the City that support the Legislative function of the City, specifically the:
  - a) City Secretary; and
  - b) City Civil Attorney.

- 3) the Planning and Zoning Commission; and
- 4) other boards and commissions of the City; and
- 5) any staff or volunteers assigned to the support of the Legislative function.

## Chapter 3 – Executive Branch

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### 3.1.3.1 Primary Authority

- A) The City Manager's Office is the primary authority for the Executive Branch of government of the City of Lavon.
- B) The discretionary authority of the Executive Branch is vested with the City Manager as the Chief Executive Officer of the City.

### 3.1.3.2 Powers and Duties of the Executive Branch

- A) The Executive Branch and the members thereof shall have the authority assigned them by State Law, the Code of Regulations and other Ordinances of the City of Lavon.
- B) The Executive Branch shall have the authority over the operations of the City.
- C) The Executive Branch shall have the authority to expend any funds budgeted in the annual budget as amended.

### 3.1.3.3 Selection and appointment of the City Manager

- A) The City Council shall nominate and by majority vote select a qualified candidate to fill a vacancy in the office of City Manager.
- B) The term of office for the City Manager shall be as established in the contract for services of the City Manager.

### 3.1.3.4 Executive Branch Structure

- A) The Executive Branch shall consist of:
  - 1) the City Manager as Chief Executive Officer of the City; and
  - 2) the Municipal officers of the City that support the Executive function of the City, specifically the:
    - a) City Engineer; and
    - b) City Marshal.
  - 3) the operational departments of the City; and
  - 4) all staff or volunteers assigned to the operation of the City or support of the Executive function.

## Chapter 4 – Judicial Branch

### 3.1.4.1 Primary Authority

- A) The Municipal Court is the primary authority for the Judicial Branch of government of the City of Lavon.
- B) The power and authority of the Judicial Branch is vested with the Chief Justice of the City.
- C) The Chief Justice shall be the Chief Judicial Officer for the City of Lavon.

### 3.1.4.2 Powers and Duties of the Judicial Branch

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- A) The Judicial Branch and the members thereof shall have the authority assigned them by State Law, the Code of Regulations and other Ordinances of the City of Lavon.
- B) The Judicial Branch shall have the authority over the Courts of the City.
- C) The Judicial Branch shall have the authority to be the arbiter of the Laws of the City of Lavon.

### 3.1.4.3 Selection and appointment of the Chief Justice

- A) The City Manager shall nominate and the City Council shall confirm by majority vote a candidate to fill a vacancy in the office of Chief Justice for the City.
- B) The term of office for the Chief Justice shall be for life unless:
  - 1) the Chief Justice resigns; or
  - 2) the Chief Justice retires; or
  - 3) the Chief Justice is removed by a supermajority vote of the full City Council at a meeting where the vote for removal was properly noticed on the agenda.

### 3.1.4.4 Judicial Branch Structure

- A) The Judicial Branch shall consist of:
  - 1) the Chief Justice of the City; and
  - 2) the Municipal Judges of the City; and
  - 3) the City Prosecuting Attorney; and
  - 4) the Courts Department of the City; and
  - 4) any staff or volunteers assigned to support of the Judicial function.

## Subtitle 2 – Municipal Officers

### Chapter 1 – Mayor

#### 3.2.1.1 General

- A) The Office of Mayor is the highest elected office of the City of Lavon.
- B) The City of Lavon is a weak mayor form of City Council Mayor relationship.

#### 3.2.1.2 Powers and Duties of the Mayor

- A) The Mayor shall have all the power, authority and duties assigned to them by State Law, the Code of Regulations and other Ordinances of the City - except those duties assigned to the Executive Branch or Judicial Branch of the City of Lavon by the Code of Regulations or other Ordinances of the City of Lavon.
- B) The Mayor shall have all the power, authority to act as presiding officer at all meetings of the City Council.
- C) The Mayor shall have the power, authority and duty to submit to the City Secretary items for placement on the City Council agenda.

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- D) The Mayor shall review and approve the City Council agenda prior to posting of the City Council agenda by the City Secretary.
- E) The Mayor shall ensure each Alderman has a fair and equal opportunity to be heard, at each City Council meeting they attend, on any topic which appears on an agenda for that meeting.
- F) The Mayor shall ensure the deliberations of the Alderman are on topic and within the scope of the agenda item.
- G) The Mayor shall ensure each Municipal Officer has a fair and equal opportunity to be heard, at each City Council meeting they attend, on any topic which appears on an agenda for that meeting.
  - 1) If a staff member is attending the meeting as a representative of a Municipal Officer and in the absence of the Municipal Officer, the Mayor shall afford the staff member the same privileges as the Municipal Officer would be entitled.
- H) The Mayor shall ensure the visitors and guests observe proper decorum during City Council meetings.
  - 1) The Mayor may only request a visitor or guest leave a meeting for just and good cause that the meeting could not continue without undo interruption if the guest or visitor remained.
  - 2) If a guest or visitor who is asked to leave, fails to comply and continues to disrupt the meeting, the Mayor shall temporarily recess the meeting until Law Enforcement can return order to the meeting.
  - 3) The Mayor may only request a staff member removed from a meeting for just and good cause that the meeting could not continue without undo interruption if the staff member remained.
  - 4) The Mayor may not ask an Alderman, the City Manager or the Chief Justice of the City removed from a meeting.
- I) The Mayor shall endorse all minutes of the City Council meetings.
- J) The Mayor shall endorse all Ordinances of the City.
- K) The Mayor shall endorse all Resolutions of the City.
- L) The Mayor shall endorse all Proclamations of the City.
- M) The Mayor shall endorse all records, reports, or actions of the City Council which have been properly passed or approved.
- N) The Mayor shall work in good faith with the Alderman, City Manager, Chief Justice, Municipal Officers, Planning and Zoning Commissioners and staff of the City.
- O) The Mayor shall have the power, authority and duty to act on behalf of the City Council during the duration of a declared emergency.
  - 1) The Mayor shall have authority to wield the power and authority of the City Council for the duration of the emergency or until such time as the City Council may meet, whichever is shorter.

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P) The Mayor shall have any other power, authority or duties conferred upon the Mayor, not inconsistent with State Law, the Code of Regulations and other Ordinances of the City of Lavon.

### Chapter 2 – Mayor Pro Tempore

#### 3.2.2.1 General

A) The Mayor Pro Tempore, also known as the Mayor Pro Tem, is the second highest elected office of the City of Lavon.

#### 3.2.2.2 Selection of Mayor Pro Tempore

A) The City Council shall nominate and by majority vote select an Alderman to serve as the Mayor Pro Tempore.

B) The term of office for the Mayor Pro Tempore shall end at the first meeting in June of each year or when filled by a vote of the City Council, whichever comes later.

C) During such times as the office of Mayor Pro Tempore becomes vacant, the Mayor shall designate an Alderman to serve as the Acting Mayor Pro Tempore until the City Council shall convene to elect a new Mayor Pro Tempore.

#### 3.2.2.3 Duties of the Mayor Pro Tempore

A) The Mayor Pro Tempore shall have the discretionary authority and the responsibility to perform the all the duties of the Mayor in the absence of the Mayor.

B) The Mayor Pro Tempore shall have the discretionary authority and the responsibility to perform the all the duties of the Mayor in the event of incapacitation of the Mayor.

C) The Mayor Pro Tempore shall have the responsibility to perform the all the duties of the Mayor in the event the Mayor refuses to perform the duties of Mayor.

### Chapter 3 – Alderman

#### 3.2.3.1 General

A) Alderman for the City of Lavon are elected to a specific place or seat on the City Council.

B) The Alderman and Mayor of the City form the City Council.

#### 3.2.3.2 Duties of Alderman

A) Each Alderman shall have all the power, authority and duties assigned to them by State Law, the Code of Regulations and other Ordinances of the City - except those duties assigned to the Executive Branch or Judicial Branch of the City of Lavon by the Code of Regulations or other Ordinances of the City of Lavon.

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- B) Each Alderman shall have the authority and duty to participate in deliberations on matters before the City Council.
- C) Each Alderman shall have the authority and duty to apply their personal knowledge, experience and understanding to matters before the City Council on which they do not have a conflict of interest and which they are in attendance at the meeting at the time of the deliberations.
- D) Each Alderman shall have the authority and duty to cast a vote on each matter before the City Council on which they do not have a conflict of interest and which they are in attendance at the meeting at the time of the vote.
- E) Each Alderman shall have the authority to place items on the agenda for the City Council Meetings.
- F) Each Alderman shall have the authority to draft Ordinances for consideration by the City Council.
- G) Each Alderman shall have the authority to draft Resolutions for consideration by the City Council.
- H) Each Alderman shall have the authority to draft Proclamations for consideration by the City Council.
- I) Each Alderman shall have the duty attend the meetings of the City Council.
- J) Each Alderman shall have the duty to respect the authority of the Mayor, other Alderman, the City Secretary, the City Manager and the Chief Justice of the City.
- K) Each Alderman shall have the duty to confine their deliberations of each item set before them to the scope and manner prescribed by State Law, City Ordinance, the Code of Regulations and other rules of the City.
- L) Each Alderman shall have the duty to confine their deliberations to properly called meetings of the City Council on which the item has been properly noticed on the agenda.
- M) Each Alderman who finds himself part of a deliberation outside a properly noticed meeting shall have the duty to immediately thereafter, in writing, notify the Mayor:
- 1) The Mayor shall immediately thereafter notify City Attorney.
  - 2) The Mayor shall forward a copy of the written notification to the Chief of Police for criminal investigation.
  - 3) Each Alderman who, as soon as they become aware of the illegal deliberations, immediately removes themselves from the illegal deliberation and complies with each of the notification requirements shall not be declared in violation of Section 3.2.3.2(L).
- H) Each Alderman shall have the duty to work in good faith with the other Alderman, the City Secretary, the City Manager, the Chief Justice and the staff of the City.

## Chapter 4 – City Manager

### 3.2.4.1 General

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A) The City Manager's Office shall be responsible for the proper administration and management of the business affairs of the City including individual City departments, pursuant to the statutes of the State, the Code of Regulations, the ordinances of the City, and the resolutions, and directives of the City Council, as evidenced by the majority vote of the City Council.

B) The City Manager's office shall be responsible for all operations of the City, excluding

- 1) Legislative functions of the City of Lavon; and
- 2) Judicial functions of the City of Lavon.

C) The City Manager shall be the Chief Executive Officer of the City of Lavon.

### 3.2.4.2 Conditions of the employment for the City Manager

A) The term of employment for the City Manager shall be as designated in a contract between the City of Lavon and the City Manager.

B) Such term of office shall begin on the date designated in the City Manager's Contract and shall continue uninterrupted until the termination date designated in the City Manager's contract.

C) The compensation for the City Manager shall be as determined by the City Council of the City of Lavon, Texas, which compensation shall be reviewed annually by the City Council for increase.

D) All contracts or amendments to contracts with the City Manager shall be adopted by Ordinance and each contract shall be made law by incorporation into the adopting Ordinance.

1) The City shall be obligated to or bound by any other condition set forth in the City Manager Contract or the adopting Ordinance.

2) In the event of any conflict between the terms, conditions and provisions of the City Manager Agreement and this Code of Regulations, the Applicable Laws and Authorities, City Ordinances, then, unless otherwise prohibited by law, the terms of the City Manager Agreement shall take precedence over the contrary provisions of this Code of Regulations, the Applicable Laws and Authorities, City Ordinances during the term of the City Manager Agreement.

### 3.2.4.3 Duties of City Manager

A) The City Manager shall have the discretionary authority to manage the City of Lavon and all departments of the City.

B) The City Manager shall have the discretionary authority to manage and be responsible for the administration of all day to day operations of the City government including the monitoring of all city ordinances, resolutions, council meetings and state statutes.

C) The City Manager shall have the discretionary authority to prepare a plan of administration, including an organization chart, which defines authority and responsibility for all non-statutory positions of the City.



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- D) The City Manager shall have the discretionary authority to establish administrative procedures to increase the effectiveness and efficiency of the city government according to current practices in local government.
- E) The City Manager shall have the discretionary authority to attend, or appoint a representative to attend, as a non-voting staff member, all boards, commissions and committees of the City as appropriate.
- F) The City Manager shall have the discretionary authority to represent the Mayor and City Council in matters involving legislative and intergovernmental affairs when authorized by the City Council.
- G) The City Manager shall have the discretionary authority to act as public information officer for the City with the responsibility of assuring that the news media are kept informed about the operations of the City and that all open meeting and public information rules and regulations are followed.
- H) The City Manager shall have the discretionary authority to establish and maintain procedures to facilitate communications between citizens and city government to assure that complaints, grievances, recommendations and other matters receive prompt attention by a city official, and to assure that all such matters are expeditiously resolved.
- I) The City Manager shall have the discretionary authority to establish and enforce administrative rules for the City of Lavon.
- J) The City Manager shall have the discretionary authority to perform the duties, have the authority and use the title of a subordinate position at no additional pay. The exercise of such authority is expressly designated by the City Council of the City of Lavon as not dual office holding.
- K) The City Manager shall have the discretionary authority to promote the economic well-being and growth of the City through public and private sector cooperation.
- L) The City Manager shall have the discretionary authority to provide the administrative direction and coordination of all employees of the City according to the established organization procedures.
- M) The City Manager shall have the discretionary authority to recommend to the City Council the appointment, promotion, suspension or termination of any Municipal Officer of the City.
- N) The City Manager shall have the discretionary authority to manage and direct the work of City employees.
- O) The City Manager shall have the discretionary authority as to the hiring or firing, advancement or promotion or other change of status of City employees.
- P) The City Manager shall have the discretionary authority to evaluate the performance of department heads and equivalent personnel.
- Q) The City Manager shall have the discretionary authority to evaluate in conjunction with department heads, the performance of all employees on an annual basis.
- R) The City Manager shall have the discretionary authority to serve as the Personnel Director of the City; to establish and maintain complete and current personnel records, including specific job descriptions, for all city employees.

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- S) The City Manager shall have the discretionary authority to recommend salary and wage scales for city employees.
- T) The City Manager shall have the discretionary authority to recruit and evaluate applicants for city positions.
- U) The City Manager shall have the discretionary authority to administer the grievance procedures of the city. Working closely with department heads to resolve promptly personnel problems or grievances.
- V) The City Manager shall have the discretionary authority to prepare the annual City budget for review and approval by the City Council.
- W) The City Manager shall have the discretionary authority to administer the budget as adopted by the City Council.
- ~~X) The City Manager shall have the discretionary authority to supervise the accounting system of the City and insure that the system employs methods in accordance with current professional accounting procedures established by the City Council and any limitations contained in the State statutes.~~
- Y) The City Manager shall have the authority to draft Ordinances for consideration by the City Council.
- Z) The City Manager shall have the authority to draft Resolutions for consideration by the City Council.
- AA) The City Manager shall have the authority to draft Proclamations for consideration by the City Council.
- AB) The City Manager shall have the responsibility to devote all hours of work of the City Manager to City functions and business.
- AC) The City Manager shall have the responsibility to keep informed, under the guidance of the City Attorney, concerning current federal, state and county legislation and administrative rules affecting the City and submit appropriate reports and recommendations on those matters to the City Council.
- AD) The City Manager shall have the responsibility to work closely with department heads to assure that employees receive adequate opportunities for training to maintain and improve their job-related knowledge and skills and act as the approving authority for requests by employees to attend conferences, meetings, training schools, and the like, if funds have been budgeted for these activities.
- AE) The City Manager shall have the responsibility to attend, or appoint a representative to attend all meetings of the City Council, unless excused by the Mayor or by majority vote of the City Council, assisting the City Council as required in the performance of their duties.
- AF) The City Manager shall have the responsibility to assist the City Secretary in arranging for notices complying with open meeting laws to be given of all city council meetings.
- AG) The City Manager shall have the responsibility to work with the Mayor, the City Council and the City Secretary, to ensure that appropriate agendas are prepared for all meetings of the City Council, all City Council committees and all other appropriate committees and commissions of the City, together with such supporting material as may be required; with nothing in this subsection being construed as to give the City Manager authority to limit or in any way prevent

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matters from being considered by the City Council or any of its committees and commissions.

AH) The City Manager shall have the responsibility to assist the City Attorney in the preparation of ordinances and resolutions as requested by the City Council, or as needed.

AI) The City Manager shall have the responsibility to keep the City Council regularly informed about the activities of the City Manager's office by oral or written reports at regular and special meetings of the City Council.

~~AJ) The City Manager shall have the responsibility to report regularly to the City Council on the current fiscal position of the City.~~

AK) The City Manager shall receive directives from the Mayor in the event that action normally requiring City Council approval is necessary in declared emergency situations and at a time when the City Council cannot meet.

## Chapter 5 – City Secretary

### 3.2.5.1 General

A) The City Secretary's office shall be the primary support staff for the Legislative Branch of the City of Lavon.

B) The City Secretary's office shall be responsible for the safe keeping, storage, retrieval and dissemination of all records of the City of Lavon.

C) In the absence of the City Secretary, the Treasurer shall serve as the Acting City Secretary.

Amended 20 December 2011 Ord. 2011-12-01

### 3.2.5.2 Selection of City Secretary

A) The City Council shall nominate and by majority vote select a qualified candidate to fill a vacancy in the office of City Secretary.

B) The term of office for the City Secretary shall be at the discretion of the City Council.

C) During such times as the office of City Secretary becomes vacant, the Treasurer shall serve as the Acting City Secretary until the City Council shall convene to approve a new City Secretary. The Acting City Secretary shall answer to the City Council in legislative matters.

Amended 20 December 2011 Ord. 2011-12-01

### 3.2.5.3 Conditions of the employment for the City Secretary

A) The term of employment for the City Secretary shall be at the discretion of the City Council.

B) The compensation for the City Secretary shall be as determined by the City Council of the City of Lavon, Texas. Such compensation shall be reviewed annually by the City Council for increase.

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C) All contracts or amendments to contracts with the City Secretary shall be adopted by Ordinance and each contract shall be made law by incorporation into the adopting Ordinance.

- 1) The City shall be obligated to, or bound by, any other condition set forth in the City Secretary Contract or the adopting Ordinance.
- 2) In the event of any conflict between the terms, conditions and provisions of the City Secretary Agreement and this Code of Regulations, the Applicable Laws and Authorities, City Ordinances, then, unless otherwise prohibited by law, the terms of the City Secretary Agreement shall take precedence over the contrary provisions of this Code of Regulations, the Applicable Laws and Authorities, City Ordinances during the term of the City Secretary Agreement.

Amended 20 December 2011 Ord. 2011-12-01

### 3.2.5.4 Duties of the City Secretary

A) The City Secretary, subject to limitations defined in resolutions and ordinances of the City and State Statutes, shall be the secretary for the City, responsible directly to City Council for the proper administration and management of their duties, pursuant to the statutes of the State and the ordinances of the City, and the resolutions, board motions and directive of the City Council.

B) The City Secretary shall have all the power, authority and duties assigned to them by State Law, the Code of Regulations and other Ordinances of the City.

C) The City Secretary shall have discretionary authority to manage the City Secretary's Office for the City of Lavon in order to carry out directives of the City Council.

D) The City Secretary shall have discretionary authority to countersign all commissions issued to Municipal Officers and all licenses issued by the Mayor, and keep a record of those commissions and licenses.

E) The City Secretary shall have discretionary authority to perform all other duties required by law, ordinance, resolution, or order of the City Council as evidenced by the majority vote of the City Council.

F) The City Secretary shall have discretionary authority to administer the records system of the City and insure that the system employs methods in accordance with current records procedures established by the City Secretary and any limitations contained in the State statutes.

G) The City Secretary shall have discretionary authority to ensure all records are available to staff members and filed in a logical and retrievable method.

H) The City Secretary shall have discretionary authority to ensure that the records retention and destruction laws of the State of Texas and the United States are followed accurately and in a timely manner.

I) The City Secretary shall cooperate with and assist the City Manager so that the City government shall function effectively and efficiently.

J) The City Secretary shall have the responsibility to attend all meetings of the City Council of the municipality and shall keep, in a record provided for that purpose, accurate minutes of the governing body's proceedings.

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- 1) If the City Secretary has subordinate members of her department, she may select a subordinate to serve in their place.
- 2) If the City Secretary has no subordinate members of her department, the Treasurer shall serve in the City Secretary's absence.

K) In the absence of the Planning and Zoning Commission Secretary, the City Secretary shall have the responsibility to attend all meetings of the Planning and Zoning commission and shall keep, in a record provided for that purpose, accurate minutes of the proceedings.

- 1) If the City Secretary has subordinate members of their department, she may select a subordinate to serve in her place.
- 2) If the City Secretary has no subordinate members of her department, the Treasurer shall serve in the City Secretary's absence.

L) The City Secretary shall have the responsibility to attend each meeting of any other board or commission of the City that requires minutes be taken and does not provide for their own secretary. The City Secretary shall keep, in a record provided for that purpose, accurate minutes of the proceedings.

- 1) If the City Secretary has subordinate members of her department, she may select a subordinate to serve in their place.
- 2) If the City Secretary has no subordinate members of her department, the Treasurer shall serve in the City Secretary's absence.

M) The City Secretary shall have the responsibility to prepare draft minutes and submit them to the City Council for approval.

N) The City Secretary shall have the responsibility to prepare the final minutes of each meeting of the City Council and ensure they include:

- 1) the date, time and location of the meeting; and
- 2) the name of City Council member present at the meeting; and
- 3) times during the meeting for which a City Council member was absent; and
- 4) the name of each Municipal Officer present at the meeting; and
- 5) times during the meeting for which a Municipal Officer who is in attendance, was absent; and
- 6) each agenda item; and
- 7) the topics of discussion under each agenda item; and
- 8) each motion made by a City Council member, including the name of the City Council member; and
- 9) the name of the City Council member who seconds the motion; and
- 10) the vote on each motion, including the names of the Alderman that voted, whether their vote was in favor, opposed or abstention; and
- 11) in the case of a tie vote, the vote of the Mayor, including the name of the Mayor, whether their vote was in favor, opposed or abstention; and
- 12) the result of each motion, whether passed, failed, withdrawn or died for lack of second; and

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- 13) information related to conflict of interests of the Mayor or Alderman;  
and
- 14) the time of each recess of the meeting, the duration of the recess and the time the meeting was restarted; and
- 15) the name and topic of each guest or visitor speaking at the meeting;  
and
- 16) the actual wording of each statement made “for the record” of the Council meeting; and
- 17) the time of adjournment of each meeting.

O) Unless directed otherwise by the presiding officer, the City Secretary shall have the responsibility to attend each executive session of the City Council and keep an accurate certified agenda of the proceedings.

- 1) When the City Secretary is directed not to attend, the presiding officer shall have the responsibility to attend each executive session of the City Council and keep an accurate certified agenda of the proceedings.

P) The City Secretary shall have the responsibility to cause an audio recording to be made of each City Council meeting.

Q) The City Secretary shall have the responsibility to engross and enroll all actions of the City Council for the City of Lavon, including:

- 1) all Ordinances of the City; and
- 2) all Resolutions of the City; and
- 3) all Proclamations of the City; and
- 4) all directives of the City Council; and
- 5) all orders of the City Council.

R) The City Secretary shall have the responsibility for other duties and directives of the City Council, as evidenced by the majority vote of the City Council.

S) The City Secretary shall have the responsibility to devote all hours of work of the City Secretary to City functions and business.

T) The City Secretary shall have the responsibility to keep the corporate seal of the City of Lavon.

U) The City Secretary shall have the responsibility to notify the Texas Judicial Council of the name of each person who is elected or appointed as mayor, municipal court judge, or clerk of a municipal court of the municipality. The secretary shall notify the judicial council within 30 days after the date of the person's election or appointment.

V) The City Secretary shall have the responsibility to prepare all notices required under any regulation or Ordinance of the municipality.

W) The City Secretary shall be responsible for the proper care, custody and maintenance of all records of the City of Lavon.

X) The City Secretary shall carefully keep all contracts made by the governing body.

Y) The City Secretary shall have the responsibility to report regularly to the City Council on matters related to the City Secretary's office.

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Z) The City Secretary shall have the responsibility to conduct all elections for the City and to provide notifications required by law.

Amended 20 December 2011 Ord. 2011-12-01

### 3.2.5.5 Supervision of the City Secretary

- A) The City Secretary shall report to and be responsible to the City Council.
- B) The Mayor shall serve as the Liaison to the office of City Secretary.
- C) The Mayor, as the Liaison to the office of City Secretary shall, subject to the review and approval of the City Council, serve as the direct supervisor of the City Secretary.
- D) The Mayor, as the Liaison to the office of City Secretary shall, subject to the review and approval of the City Council, ensure the City Secretary receives the training, equipment and guidance necessary to perform all of the duties of City Secretary.
- E) The discretionary authority of the Mayor, as the Liaison to the office of City Secretary in matters of discipline, shall be limited to the right to place the City Secretary on paid administrative leave until such time as the City Council can meet to consider the disciplinary issue.
  - 1) The right to place the City Secretary on paid administrative leave shall be limited to issues for which the Mayor, as the Liaison to the office of City Secretary has good cause that leave is required in the best interest of the City.
  - 2) The Mayor, as the Liaison to the office of City Secretary shall bring all matters of disciplinary problems involving the City Secretary to the attention of the City Council during executive session of the next upcoming City Council meeting for which the agenda has not been set.

Amended 20 December 2011 Ord. 2011-12-01

## Chapter 6 – Chief Justice

### 3.2.6.1 General

- A) The Chief Justice's Office shall be responsible for the proper administration and management of the Judicial Branch of the City of Lavon, pursuant to the statutes of the State, the Code of Regulations, the ordinances of the City, and the resolutions, and directives of the City Council, as evidenced by the majority vote of the City Council.
- B) The Chief Justice shall be the Chief Judicial Officer of the City of Lavon.

### 3.2.6.2 Powers and Duties of the Chief Justice

- A) The Chief Justice shall have the discretionary authority to manage and be responsible for the administration of all operations of the Courts of the City.

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## Title 3 – Administration

- B) The Chief Justice shall have the discretionary authority to prepare a plan of administration, including an organization chart, which defines authority and responsibility for all non-statutory positions of the Courts.
- C) The Chief Justice shall have the discretionary authority to establish and enforce administrative rules for the Courts of the City of Lavon.
- D) The Chief Justice shall have the discretionary authority to manage and direct the work of City employees permanently assigned to the Judicial Branch of the City of Lavon.
- E) The Chief Justice shall have the discretionary authority to evaluate the performance of department heads and equivalent personnel assigned to the Judicial Branch of the City of Lavon..
- F) The Chief Justice shall have the discretionary authority to evaluate in conjunction with department heads, the performance of all employees assigned to the Judicial Branch of the City of Lavon on an annual basis.
- G) The Chief Justice shall have the responsibility to keep informed, under the guidance of the City Attorney, concerning current federal, state and county legislation and administrative rules affecting the City and submit appropriate reports and recommendations on those matters to the City Council.
- H) The Chief Justice shall have the responsibility to work closely with Judicial Branch department heads to assure that employees receive adequate opportunities for training to maintain and improve their job-related knowledge and skills and act as the approving authority for requests by employees to attend conferences, meetings, training schools, and the like, if funds have been budgeted for these activities.

### 3.2.6.3 Selection and appointment of the Chief Justice

- A) The City Manager shall nominate and the City Council shall confirm by majority vote a candidate to fill a vacancy in the office of Chief Justice for the City.
- B) The term of office for the Chief Justice shall be for life unless:
  - 1) the Chief Justice resigns; or
  - 2) the Chief Justice retires; or
  - 3) the Chief Justice is removed by a supermajority vote of the full City Council at a meeting where the vote for removal was properly noticed on the agenda.

## Chapter 7 – City Civil Attorney

### 3.2.7.1 General

- A) The City Civil Attorney's office shall be the primary legal support staff for the City of Lavon.
- B) The City Civil Attorney's office shall be responsible for civil legal advice to each branch of government of the City of Lavon.

### 3.2.7.2 Selection of City Civil Attorney



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## Title 3 – Administration

- A) The City Council shall nominate and by majority vote select a qualified firm or individual to serve as the City Civil Attorney.
- B) The term of office for the City Civil Attorney shall be at the discretion of the City Council.

### 3.2.7.3 Conditions of the employment for the City Civil Attorney

- A) The City Civil Attorney shall be an outside contractor and therefore not considered an employee of the City.
- B) The compensation for the City Civil Attorney shall be as determined by the City Council of the City of Lavon, Texas.
- C) All contracts or amendments to contracts with the City Civil Attorney shall be adopted by Ordinance and each contract shall be made law by incorporation into the adopting Ordinance.
  - 1) The City shall be obligated to or bound by any other condition set forth in the City Civil Attorney Contract or the adopting Ordinance.
  - 2) In the event of any conflict between the terms, conditions and provisions of the City Civil Attorney Agreement and this Code of Regulations, the Applicable Laws and Authorities, City Ordinances, then, unless otherwise prohibited by law, the terms of the City Civil Attorney Agreement shall take precedence over the contrary provisions of this Code of Regulations, the Applicable Laws and Authorities, City Ordinances during the term of the City Civil Attorney Agreement.

### 3.2.7.4 Duties of the City Civil Attorney

- A) The duties of the City Civil Attorney shall be as specified in:
  - 1) this Code of Regulations; and
  - 2) other Ordinances of the City; and
  - 3) State Law; and
  - 4) the City Civil Attorney's contract; and
  - 5) as specified by the City Council.

### 3.2.7.5 Supervision of the City Civil Attorney

- A) The City Civil Attorney shall report to and be responsible to the City Council.
- B) The City Council shall nominate and by majority vote select an Alderman to serve as the Liaison to the City Civil Attorney.
- C) The City Council Liaison to the City Civil Attorney shall, subject to the review and approval of the City Council, serve as the direct supervisor of the City Civil Attorney.
- D) The City Council Liaison to the City Civil Attorney shall, subject to the review and approval of the City Council, ensure the City Council is fully advised of the actions and costs of the City Civil Attorney.
- E) The discretionary authority of the City Council Liaison to the City Civil Attorney in matters of discipline shall be limited to the right to report any questionable or inappropriate actions of the City Civil Attorney to City Council to consider the issue.

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## Title 3 – Administration

1) The City Council Liaison to the City Civil Attorney shall bring all matters of disciplinary problems of the City Civil Attorney to the attention of the City Council during executive session of the next upcoming City Council meeting for which the agenda has not been set.

### Chapter 8 – City Engineer

#### 3.2.8.1 General

A) The City Engineer's office shall be the primary engineering staff for the City of Lavon.

#### 3.2.8.2 Selection of City Engineer

A) The City Manager shall nominate and the City Council shall confirm by majority vote a qualified firm or individual to serve as the City Engineer.

B) The term of office for the City Engineer shall be at the discretion of the City Council.

#### 3.2.8.3 Conditions of the employment for the City Engineer

A) The City Engineer shall be an outside contractor and therefore not considered an employee of the City.

B) The compensation for the City Engineer shall be as determined by the City Council of the City of Lavon, Texas.

C) All contracts or amendments to contracts with the City Engineer shall be adopted by Ordinance and each contract shall be made law by incorporation into the adopting Ordinance.

1) The City shall be obligated to or bound by any other condition set forth in the City Engineer Contract or the adopting Ordinance.

2) In the event of any conflict between the terms, conditions and provisions of the City Engineer Agreement and this Code of Regulations, the Applicable Laws and Authorities, City Ordinances, then, unless otherwise prohibited by law, the terms of the City Engineer Agreement shall take precedence over the contrary provisions of this Code of Regulations, the Applicable Laws and Authorities, City Ordinances during the term of the City Engineer Agreement.

#### 3.2.8.4 Duties of the City Engineer

A) The duties of the City Engineer shall be as specified in:

- 1) this Code of Regulations; and
- 2) other Ordinances of the City; and
- 3) State Law;
- 4) the City Engineer's contract; and
- 5) as specified by the City Manager.

#### 3.2.8.5 Supervision of the City Engineer

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## Title 3 – Administration

- A) The City Engineer shall report to and be responsible to the City Manager.
- B) The City Manager shall, subject to the review and approval of the City Council, serve as the direct supervisor of the City Engineer.
- D) The discretionary authority of the City Manager in matters of discipline shall be limited to the right to report any questionable or inappropriate actions of the City Engineer to the City Council to consider the issue.
  - 1) The City Manager shall bring all matters of disciplinary problems of the City Engineer to the attention of the City Council during executive session of the next upcoming City Council meeting for which the agenda has not been set.

### Chapter 9 – City Marshal

#### 3.2.9.1 General

- A) The City Marshal's Office shall be responsible for law enforcement duties of the City of Lavon, pursuant to the statutes of the State, the Code of Regulations, and the ordinances of the City.
- B) The City Marshal shall be the Chief Executive Officer of the City Marshal's Office.

#### 3.2.9.2 Selection and appointment of the City Marshal

- A) The City Manager shall nominate and the City Council shall confirm by majority vote a candidate to fill a vacancy in the office of City Marshal for the City.
- B) With the approval of the City Council, the City manager, if qualified, may serve as the City Marshal.

#### 3.2.9.3 Conditions of the employment for the City Marshal

- A) The term of employment for the City Marshal shall be as designated in a contract between the City of Lavon and the City Marshal.
- B) Such term of office shall begin on the date designated in the City Marshal's Contract and shall continue uninterrupted until the termination date designated in the City Marshal's contract.
- C) The compensation for the City Marshal shall be as determined by the City Council of the City of Lavon, Texas, which compensation shall be reviewed annually by the City Council for increase.
- D) All contracts or amendments to contracts with the City Manger shall be adopted by Ordinance and each contract shall be made law by incorporation into the adopting Ordinance.
  - 1) The City shall be obligated to or bound by any other condition set forth in the City Manger Contract or the adopting Ordinance.
  - 2) In the event of any conflict between the terms, conditions and provisions of the City Marshal Agreement and this Code of Regulations, the Applicable Laws and Authorities, City Ordinances, then, unless otherwise prohibited by law, the terms of the City Marshal Agreement

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## Title 3 – Administration

shall take precedence over the contrary provisions of this Code of Regulations, the Applicable Laws and Authorities, City Ordinances during the term of the City Marshal Agreement.

### 3.2.9.4 Powers and Duties of the City Marshal

- A) The City Marshal shall have the discretionary authority to manage and be responsible for the administration of all operations of the City Marshal's Office.
- B) The City Marshal shall have the discretionary authority to prepare a plan of administration, including an organization chart, which defines authority and responsibility for all non-statutory positions of the City Marshal's Office.
- C) The City Marshal shall have the discretionary authority to establish and enforce administrative rules for the City Marshal's Office.
- D) The City Marshal shall have the discretionary authority to manage and direct the work of City employees permanently assigned to the City Marshal's Office.
- E) The City Marshal shall have the responsibility to keep informed, under the guidance of the City Manager, concerning current federal, state and county legislation and administrative rules affecting the City and submit appropriate reports and recommendations on those matters to the City Council.
- F) The City Marshal shall have the responsibility to work closely with department heads to assure that employees receive adequate opportunities for training to maintain and improve their job-related knowledge and skills and act as the approving authority for requests by employees to attend conferences, meetings, training schools, and the like, if funds have been budgeted for these activities.
- G) The City Marshal shall have all other authority as specified by State Law, this Code of Regulations and other Ordinances of the City.

## Chapter 10 – Treasurer

### 3.2.10.1 General

- A) The Treasurer's office shall be the division, of the Legislative Branch of the City of Lavon, primarily responsible for the financial matters of the City.
- B) The Treasurer's office shall be responsible for the financial services of the City including: the safe keeping of all City funds; the billing and collection of enterprise related activities; and the storage, retrieval and dissemination of all records related to the financial matters of the City of Lavon.
- C) In the absence of the Treasurer, the City Secretary shall serve as the Acting Treasurer.

Amended 20 December 2011 Ord. 2011-12-01

### 3.2.10.2 Selection of Treasurer

- A) The City Council shall nominate and, by majority vote, select a qualified candidate to fill a vacancy in the office of Treasurer.
- B) The term of office for the Treasurer shall be at the discretion of the City Council.

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## Title 3 – Administration

C) During such times as the office of Treasurer becomes vacant, the City Secretary shall serve as the Acting Treasurer until the City Council shall convene to approve a new Treasurer. The Acting Treasurer shall answer to the City Council in legislative matters.

Amended 20 December 2011 Ord. 2011-12-01

### 3.2.10.3 Conditions of the employment for the Treasurer

A) The term of employment for the Treasurer shall be at the discretion of the City Council.

B) The compensation for the Treasurer shall be as determined by the City Council of the City of Lavon, Texas. Such compensation shall be reviewed annually by the City Council for increase.

C) All contracts or amendments to contracts with the Treasurer shall be adopted by Ordinance and each contract shall be made law by incorporation into the adopting Ordinance.

1) The City shall be obligated to or bound by any other condition set forth in the Treasurer Contract or the adopting Ordinance.

2) In the event of any conflict between the terms, conditions and provisions of the Treasurer Agreement and this Code of Regulations, the Applicable Laws and Authorities, City Ordinances, then, unless otherwise prohibited by law, the terms of the Treasurer Agreement shall take precedence over the contrary provisions of this Code of Regulations, the Applicable Laws and Authorities, City Ordinances during the term of the Treasurer Agreement.

Amended 20 December 2011 Ord. 2011-12-01

### 3.2.10.4 Duties of the Treasurer

A) The Treasurer, subject to limitations defined in resolutions and ordinances of the City and State Statutes, shall be the Treasurer for the City, responsible directly to City Council for the proper administration and management of their duties, pursuant to the statutes of the State and the ordinances of the City, and the resolutions, board motions and directive of the City Council.

B) The Treasurer shall have all the power, authority and duties assigned to them by State Law, the Code of Regulations and other Ordinances of the City.

C) The Treasurer shall have discretionary authority and responsibility to draw all the warrants on the treasurer, countersign the warrants, and keep, in a record provided for that purpose, an accurate account of the warrants.

D) The Treasurer shall have discretionary authority to manage the Treasurer's Office for the City of Lavon in order to carry out directives of the City Council.

E) The Treasurer shall receive and securely keep all money belonging to the municipality.

F) The Treasurer shall make all payments on the order of the Mayor, attested by the City Secretary of the municipality under the seal of the municipality.

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## Title 3 – Administration

G) The Treasurer may not pay an order unless the face of the order shows that the governing body directed the issuance of the order and shows the purpose for which it is issued.

1) For the purposes of this paragraph, an adopted budget allowing for the expense shall serve as the order required by this paragraph for all purchases made subsequent to that budget.

H) The Treasurer shall render to the governing body a full statement of the receipts and payments. The statement must be rendered at the governing body's first regular meeting in every quarter and at other times as required by the governing body.

I) The Treasurer shall have discretionary authority to perform all other duties required by law, ordinance, resolution, or order of the City Council as evidenced by the majority vote of the City Council.

J) The Treasurer shall cooperate with and assist the City Manager so that the City government shall function effectively and efficiently.

K) The Treasurer shall have the responsibility to attend all meetings of the City Council of the municipality when items appear on the agenda relating to the financial matters of the City.

1) If the Treasurer has subordinate members of her department, she may select a subordinate to serve in their place.

2) If the Treasurer has no subordinate members of her department, the City Secretary may serve in the Treasurer's absence.

L) The Treasurer shall have the responsibility for other duties and directives of the City Council, as evidenced by the majority vote of the City Council.

M) The Treasurer shall have the responsibility to devote all hours of work of the Treasurer to City functions and business.

N) The Treasurer shall have the responsibility to assist the City Secretary in preparing all notices required under any regulation or Ordinance of the municipality.

O) The Treasurer serves as the general accountant of the municipality and shall keep regular accounts of the municipal receipts and disbursements.

P) The Treasurer shall keep each cause of receipt and disbursement separately and under proper headings. The Treasurer shall also keep separate accounts with each person, including each officer, who has monetary transactions with the municipality.

Q) The Treasurer shall credit accounts allowed by proper authority and shall specify the particular transaction to which each entry applies.

R) The Treasurer shall keep records of the accounts and other information covered by this subsection.

S) The Treasurer shall keep a register of bonds and bills issued by the municipality and all evidence of debt due and payable to the municipality, noting the relevant particulars and facts as they occur.

T) The Treasurer shall have the responsibility to report regularly to the City Council on the current fiscal position of the City.

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Amended 20 December 2011 Ord. 2011-12-01

### 3.2.10.5 Supervision of the Treasurer

- A) The Treasurer shall report to and be responsible to the City Council.
- B) The Mayor shall serve as the Liaison to the office of Treasurer.
- C) The Mayor, as the Liaison to the office of Treasurer shall, subject to the review and approval of the City Council, serve as the direct supervisor of the Treasurer.
- D) The Mayor, as the Liaison to the office of Treasurer shall, subject to the review and approval of the City Council, ensure the Treasurer receives the training, equipment and guidance necessary to perform all of the duties of Treasurer.
- E) The discretionary authority of the Mayor, as the Liaison to the office of Treasurer in matters of discipline shall be limited to the right to place the Treasurer on paid administrative leave until such time as the City Council can meet to consider the disciplinary issue.
  - 1) The right to place the Treasurer on paid administrative leave shall be limited to issues for which the Mayor, as the Liaison to the office of Treasurer has good cause that leave is required in the best interest of the City.
  - 2) The Mayor, as the Liaison to the office of Treasurer shall bring all matters of disciplinary problems involving the Treasurer to the attention of the City Council during executive session of the next upcoming City Council meeting for which the agenda has not been set.

Amended 20 December 2011 Ord. 2011-12-01

## Subtitle 3 – Committees and Commissions

### Chapter 1 – Planning and Zoning Commission

### Chapter 2 – Non-Statutory City Council Formed Committees

#### 3.3.2.1 Creation of Non-Statutory City Council Formed Committees

- A) The City Council of the City of Lavon may, by Resolution, create and or form a Committee for the purpose of performing a specific task, set of tasks or research for the City Council.
- B) The Resolution creating the committee shall include:
  - 1) the stated purpose of the committee; and
  - 2) the ending date of the committee; and
  - 3) the method of appointment of members of the committee; and
  - 4) any restrictions on membership of the committee; and
  - 5) the chair of the committee; and
  - 6) the manner and frequency of meetings of the Committee.

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Amended 20 April 2010 Ord. 2010-04-05

### 3.3.2.2 Duration of Non-Statutory City Council Formed Committees

A) A Committee formed under this Chapter shall serve until the first of the following occurs:

- 1) the date established by the council as the sunset date for the committee; or
- 2) the first City Council meeting after an election for City Council or Mayor;
- or
- 3) when disbanded by vote of the City Council.

Amended 20 April 2010 Ord. 2010-04-05

### 3.3.2.3 Limitation on authority of Non-Statutory City Council Formed Committees

A) All committees formed under this Chapter shall have no authority except as a recommending body to the City Council.

B) Committee members shall be prohibited from expending any City funds except Council formed committees may expend funds under the following conditions:

- 1) with the express permission of the City Council given by vote at a regular or called meeting; or
- 2) with the approval of a Supervising Municipal Officer who is authorized to expend funds from the specified line item in the budget that the funds would be spent from.

C) Committee members shall not be authorized to direct the work of any employees.

D) Committee members shall not use the logo, seal, insignia, letterhead, or name of the City of Lavon except has expressly authorized by the City Council in the Resolution forming the Committee.

Amended 20 April 2010 Ord. 2010-04-05

### 3.3.2.4 Authority of Non-Statutory City Council Formed Committees

A) The authority of a City Council formed Committee shall be limited to providing informational or recommendations to the City Council at a regular, special or called meeting for which an item appears on a properly noticed agenda concerning the topic of the information or recommendation.

Amended 20 April 2010 Ord. 2010-04-05

### 3.3.2.5 Cooperation with employees and other Committees

A) All members of a committee shall cooperate and work in conjunction with employees of the City, other committee members, and other committees.

Amended 20 April 2010 Ord. 2010-04-05

### 3.3.2.6 Designation of a Committee Secretary



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A) The Chairman shall select from the Committee membership a Committee Secretary.

- 1) On such days or times that the Committee Secretary can not fulfill their duties and the Chair shall designate from the Committee members present, an Acting Committee Secretary.
- 2) At the request of the Chair and with the consent of the City Secretary, the City Secretary may serve as the Acting Committee Secretary.

Amended 20 April 2010 Ord. 2010-04-05

### 3.3.2.7 Meetings of the Committee

A) The meetings of Committees formed under this Chapter may be either open or closed to the public, unless:

- 1) the composition, duties, leadership or some other feature of the Committee requires application of Chapter 551 of the Texas Government Code; or
- 2) any Ordinance, State Law or rule requires the meetings to be open to the public.

B) Municipal Officers shall be authorized to attend all meeting of the committee whether open or closed.

Amended 20 April 2010 Ord. 2010-04-05

### 3.3.2.8 Duties of a Committee Secretary

A) A Committee Secretary shall work in concert with and under the guidance of the City Secretary.

B) A Committee Secretary shall submit all original records to the City Secretary for inclusion in the official records of the City and shall keep a true and correct copy of the record for use by the Committee.

C) The Committee Secretary shall keep the records of all activities of the Committee.

D) The Committee Secretary shall prepare minutes of each meeting of the Committee and ensure they include:

- 1) the date, time and location of the meeting; and
- 2) the name of each member present at the meeting; and
- 3) times during the meeting for which a member was absent and the reasons for such absence; and
- 4) the name of each Municipal Officer present at the meeting; and
- 5) times during the meeting for which a Municipal Officer who is in attendance, was absent and the reasons for such absence; and
- 6) each agenda item; and
- 7) the topics of discussion under each agenda item; and
- 8) each motion made by a member, including the name of the member; and
- 9) the name of the member who seconds the motion; and

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- 10) the vote on each motion, including the names of the members that voted, whether their vote was in favor, opposed abstention; and
- 11) the legally authorized reason for each abstention; and
- 12) information related to conflict of interests of the members; and
- 13) the time of each recess of the meeting, the duration of the recess and the time the meeting was restarted; and
- 14) the name and topic of each guest or visitor speaking at the meeting; and
- 15) the actual wording of each statement made “for the record” of the Committee meetings; and
- 16) the time of adjournment of each meeting.

E) The Committee Secretary shall work in good faith with the Mayor, Alderman, Municipal Officers, and staff of the City.

F) The Committee Secretary shall fulfill any reasonable request or order of an Alderman or Municipal Officer.

G) The Committee Secretary shall ensure each item placed on the Committee agenda lists the appropriate sponsor.

- 1) Items may only appear on a Committee agenda if sponsored by:
  - a) the Mayor; or
  - b) an Alderman; or
  - c) a Municipal Officer; or
  - d) the Chair; or
  - e) the Commission Secretary; or
  - f) a Member; or
  - g) a Department Head level staff member.

Amended 20 April 2010 Ord. 2010-04-05

### 3.3.2.9 Records of the Committee

A) The Committee Secretary shall maintain a true and correct copy of all records of the Committee, for use by the Committee in a location provide by the City for such documents.

B) The Committee Secretary shall submit the original of all records to the City Secretary for inclusion in the official records of the City.

C) The records of the Committee shall include but not be limited to:

- 1) each agenda; and
- 2) the original of each submission from the Committee to the City Council; and
- 3) the original of each written directive from the City Council to the Committee; and
- 4) a true and correct copy of any request made to the Committee by any member of the public, individual, corporation, government entity or organization of any kind; and
- 5) a true and correct copy of any correspondence sent to the Committee, Chair, Vice Chair, Commission Secretary, or individual Member

# City of Lavon Code of Regulations

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concerning any matter that involves any past, present, future or potential business of the City of Lavon in any possible way.

Amended 20 April 2010 Ord. 2010-04-05

### Chapter 3 – Non-Statutory Mayoral Formed Committees

#### 3.3.3.1 Creation of Non-Statutory Mayoral Formed Committees

A) The Mayor of the City of Lavon may, by written Order, create and or form a Committee for the purpose of performing a specific task, set of tasks or research for the Mayor.

B) The Order creating the committee shall include:

- 1) the stated purpose of the committee; and
- 2) the ending date of the committee; and
- 3) the method of appointment of members of the committee; and
- 4) any restrictions on membership of the committee; and
- 5) the chair of the committee; and
- 6) the manner and frequency of meetings of the Committee.

Amended 20 April 2010 Ord. 2010-04-05

#### 3.3.3.2 Duration of Non-Statutory Mayoral Formed Committees

A) A Committee formed under this Chapter shall serve until the first of the following occurs:

- 1) the date established by the Mayor as the sunset date for the committee; or
- 2) the first City Council meeting after an election for Mayor; or
- 3) when disbanded by vote of the City Council.

Amended 20 April 2010 Ord. 2010-04-05

#### 3.3.3.3 Limitation on authority of Non-Statutory Mayoral Formed Committees

A) All committees formed under this Chapter shall have no authority except as a recommending body to the Mayor.

B) Committee members shall be prohibited from expending any City funds except Mayoral formed committees may expend funds under the following conditions:

- 1) with the express permission of the City Council given by vote at a regular or called meeting; or
- 2) with the approval of a Supervising Municipal Officer who is authorized to expend funds from the specified line item in the budget that the funds would be spent from.

C) Committee members shall not be authorized to direct the work of any employees.

D) Committee members shall not use the logo, seal, insignia, letterhead, or name of the City of Lavon

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## Title 3 – Administration

1) Committee members may use the Mayor's logo, Mayor's seal, Mayor's insignia, Mayor's letterhead, or Mayor's name if expressly authorized by the Mayor in the Order forming the Committee.

Amended 20 April 2010 Ord. 2010-04-05

### 3.3.3.4 Authority of Non-Statutory Mayoral Formed Committees

A) The authority of a Mayoral formed Committee shall be limited to providing informational or recommendations to the Mayor.

Amended 20 April 2010 Ord. 2010-04-05

### 3.3.3.5 Cooperation with employees and other Committees

A) All members of a committee shall cooperate and work in conjunction with employees of the City, other committee members, and other committees.

Amended 20 April 2010 Ord. 2010-04-05

### 3.3.3.6 Designation of a Committee Secretary

A) The Chairman shall select from the Committee membership a Committee Secretary.

1) On such days or times that the Committee Secretary can not fulfill their duties and the Chair shall designate from the Committee members present, an Acting Committee Secretary.

2) At the request of the Chair and with the consent of the City Secretary, the City Secretary may serve as the Acting Committee Secretary.

Amended 20 April 2010 Ord. 2010-04-05

### 3.3.3.7 Meetings of the Committee

A) The meetings of Committees formed under this Chapter may be either open or closed to the public, unless:

1) the composition, duties, leadership or some other feature of the Committee requires application of Chapter 551 of the Texas Government Code; or

2) any Ordinance, State Law or rule requires the meetings to be open to the public.

Amended 20 April 2010 Ord. 2010-04-05

### 3.3.3.8 Duties of a Committee Secretary

A) A Committee Secretary shall work in concert with and under the guidance of the Mayor.

B) The Committee Secretary shall keep the records of the Committee.

C) Unless otherwise required by law or as directed by the Mayor, the Committee Secretary shall not be required to keep minutes of the meetings.

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## Title 3 – Administration

D) The Committee Secretary shall fulfill any reasonable request or order of an Alderman or Municipal Officer.

E) Unless otherwise required by law, the Committee Secretary shall not be required to prepare an agenda for Committee meetings.

Amended 20 April 2010 Ord. 2010-04-05

### 3.3.3.9 Records of the Committee

A) The Committee Secretary shall maintain a true and correct copy of all records of the Committee.

B) Within thirty (30) days of the termination of the Committee, the Mayor shall submit the records to the City Secretary for inclusion in the official records of the City.

C) The records of the Committee shall include but not be limited to:

- 1) a copy of each agenda if any; and
- 2) a copy of each submission from the Committee to the Mayor; and
- 3) a copy of each written directive from the Mayor to the Committee; and
- 4) a true and correct copy of any request made to the Committee by any member of the public, individual, corporation, government entity or organization of any kind; and
- 5) a true and correct copy of any correspondence sent to the Committee, Chair, Vice Chair, Commission Secretary, or individual Member concerning any matter that involves any past, present, future or potential business of the City of Lavon in any possible way.

Amended 20 April 2010 Ord. 2010-04-05

## Chapter 4 – Non-Statutory Aldermanic Formed Committees

### 3.3.4.1 Creation of Non-Statutory Aldermanic Formed Committees

A) Each Alderman of the City of Lavon may, by written Order, create and or form a Committee for the purpose of performing a specific task, set of tasks or research for the Alderman.

B) The Order creating the committee shall include:

- 1) the stated purpose of the committee; and
- 2) the ending date of the committee; and
- 3) the method of appointment of members of the committee; and
- 4) any restrictions on membership of the committee; and
- 5) the chair of the committee; and
- 6) the manner and frequency of meetings of the Committee.

Amended 20 April 2010 Ord. 2010-04-05

### 3.3.4.2 Duration of Non-Statutory Aldermanic Formed Committees

A) A Committee formed under this Chapter shall serve until the first of the following occurs:

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- 1) the date established by the Alderman as the sunset date for the committee; or
- 2) the first City Council meeting after an election for the Alderman; or
- 3) when disbanded by vote of the City Council.

Amended 20 April 2010 Ord. 2010-04-05

### 3.3.4.3 Limitation on authority of Non-Statutory Aldermanic Formed Committees

- A) All committees formed under this Chapter shall have no authority except as a recommending body to the Alderman.
- B) Committee members shall be prohibited from expending any City funds except Aldermanic formed committees may expend funds under the following conditions:
  - 1) with the express permission of the City Council given by vote at a regular or called meeting; or
  - 2) with the approval of a Supervising Municipal Officer who is authorized to expend funds from the specified line item in the budget that the funds would be spent from.

C) Committee members shall not be authorized to direct the work of any employees.

D) Committee members shall not use the logo, seal, insignia, letterhead, or name of the City of Lavon

- 1) Committee members may use the Alderman's logo, the Alderman's seal, the Alderman's insignia, the Alderman's letterhead, or the Alderman's name if expressly authorized by the Aldermanic in the Order forming the Committee.

Amended 20 April 2010 Ord. 2010-04-05

### 3.3.4.4 Authority of Non-Statutory Aldermanic Formed Committees

- A) The authority of an Aldermanic formed Committee shall be limited to providing informational or recommendations to the Alderman.

Amended 20 April 2010 Ord. 2010-04-05

### 3.3.4.5 Cooperation with employees and other Committees

- A) All members of a committee shall cooperate and work in conjunction with employees of the City, other committee members, and other committees.

Amended 20 April 2010 Ord. 2010-04-05

### 3.3.4.6 Designation of a Committee Secretary

- A) The Chairman shall select from the Committee membership a Committee Secretary.

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1) On such days or times that the Committee Secretary can not fulfill their duties and the Chair shall designate from the Committee members present, an Acting Committee Secretary.

2) At the request of the Chair and with the consent of the City Secretary, the City Secretary may serve as the Acting Committee Secretary.

Amended 20 April 2010 Ord. 2010-04-05

### 3.3.4.7 Meetings of the Committee

A) The meetings of Committees formed under this Chapter may be either open or closed to the public, unless:

1) the composition, duties, leadership or some other feature of the Committee requires application of Chapter 551 of the Texas Government Code; or

2) any Ordinance, State Law or rule requires the meetings to be open to the public.

Amended 20 April 2010 Ord. 2010-04-05

### 3.3.4.8 Duties of a Committee Secretary

A) A Committee Secretary shall work in concert with and under the guidance of the Alderman who formed the Committee.

B) The Committee Secretary shall keep the records of the Committee.

C) Unless otherwise required by law or as directed by the Alderman who formed the Committee, the Committee Secretary shall not be required to keep minutes of the meetings.

D) The Committee Secretary shall fulfill any reasonable request or order of the Mayor, an Alderman or Municipal Officer.

E) Unless otherwise required by law, the Committee Secretary shall not be required to prepare an agenda for Committee meetings.

Amended 20 April 2010 Ord. 2010-04-05

### 3.3.4.9 Records of the Committee

A) The Committee Secretary shall maintain a true and correct copy of all records of the Committee.

B) Within thirty (30) days of the termination of the Committee, the Alderman who formed the Committee shall submit the records to the City Secretary for inclusion in the official records of the City.

C) The records of the Committee shall include but not be limited to:

1) a copy of each agenda if any; and

2) a copy of each submission from the Committee to the Alderman; and

3) a copy of each written directive from the Alderman to the Committee; and

# City of Lavon Code of Regulations

## Title 3 – Administration

- 4) a true and correct copy of any request made to the Committee by any member of the public, individual, corporation, government entity or organization of any kind; and
- 5) a true and correct copy of any correspondence sent to the Committee, Chair, Vice Chair, Commission Secretary, or individual Member concerning any matter that involves any past, present, future or potential business of the City of Lavon in any possible way.

Amended 20 April 2010 Ord. 2010-04-05

## Chapter 5 – Non-Statutory Judicial Formed Committees

### 3.3.5.1 Creation of Non-Statutory Judicial Formed Committees

A) The Chief Justice of the City of Lavon may, by written Order, create and or form a Committee for the purpose of performing a specific task, set of tasks or research for the Chief Justice.

B) The Order creating the committee shall include:

- 1) the stated purpose of the committee; and
- 2) the ending date of the committee; and
- 3) the method of appointment of members of the committee; and
- 4) any restrictions on membership of the committee; and
- 5) the chair of the committee; and
- 6) the manner and frequency of meetings of the Committee.

Amended 20 April 2010 Ord. 2010-04-05

### 3.3.5.2 Duration of Non-Statutory Judicial Formed Committees

A) A Committee formed under this Chapter shall serve until the first of the following occurs:

- 1) the date established by the Chief Justice as the sunset date for the committee; or
- 2) the first City Council meeting after an selection of a new Chief Justice; or
- 3) when disbanded by vote of the City Council.

Amended 20 April 2010 Ord. 2010-04-05

### 3.3.5.3 Limitation on authority of Non-Statutory Judicial Formed Committees

A) All committees formed under this Chapter shall have no authority except as a recommending body to the Chief Justice.

B) Committee members shall be prohibited from expending any City funds except Judicial formed committees may expend funds under the following conditions:

- 1) with the express permission of the City Council given by vote at a regular or called meeting; or
- 2) with the approval of a Supervising Municipal Officer who is authorized to expend funds from the specified line item in the budget that the funds would be spent from.



# City of Lavon Code of Regulations

## Title 3 – Administration

C) Committee members shall not be authorized to direct the work of any employees.

D) Committee members shall not use the logo, seal, insignia, letterhead, or name of the City of Lavon

1) Committee members may use the Judicial logo, the Judicial seal, the Judicial insignia, the Judicial letterhead, or the Chief Justice's name if expressly authorized by the Chief Justice in the Order forming the Committee.

Amended 20 April 2010 Ord. 2010-04-05

### 3.3.5.4 Authority of Non-Statutory Judicial Formed Committees

A) The authority of a Judicial formed Committee shall be limited to providing informational or recommendations to the Alderman.

Amended 20 April 2010 Ord. 2010-04-05

### 3.3.5.5 Cooperation with employees and other Committees

A) All members of a committee shall cooperate and work in conjunction with employees of the City, other committee members, and other committees.

Amended 20 April 2010 Ord. 2010-04-05

### 3.3.5.6 Designation of a Committee Secretary

A) The Chairman shall select from the Committee membership a Committee Secretary.

1) On such days or times that the Committee Secretary can not fulfill their duties and the Chair shall designate from the Committee members present, an Acting Committee Secretary.

2) At the request of the Chair and with the consent of the City Secretary, the City Secretary may serve as the Acting Committee Secretary.

Amended 20 April 2010 Ord. 2010-04-05

### 3.3.5.7 Meetings of the Committee

A) The meetings of Committees formed under this Chapter may be either open or closed to the public, unless:

1) the composition, duties, leadership or some other feature of the Committee requires application of Chapter 551 of the Texas Government Code; or

2) any Ordinance, State Law or rule requires the meetings to be open to the public.

Amended 20 April 2010 Ord. 2010-04-05

### 3.3.5.8 Duties of a Committee Secretary

# City of Lavon Code of Regulations

## Title 3 – Administration

- A) A Committee Secretary shall work in concert with and under the guidance of the Chief Justice.
- B) The Committee Secretary shall keep the records of the Committee.
- C) Unless otherwise required by law or as directed by the Chief Justice, the Committee Secretary shall not be required to keep minutes of the meetings.
- D) The Committee Secretary shall fulfill any reasonable request or order of the Mayor, an Alderman or Municipal Officer.
- E) Unless otherwise required by law, the Committee Secretary shall not be required to prepare an agenda for Committee meetings.

Amended 20 April 2010 Ord. 2010-04-05

### 3.3.5.9 Records of the Committee

- A) The City Secretary shall maintain a true and correct copy of all records of the Committee.
- B) The Commission Secretary shall submit the records to the City Secretary for inclusion in the official records of the City in the same manner as the other City Records would be submitted by members of the Judicial Branch.

Amended 20 April 2010 Ord. 2010-04-05

## Chapter 6 – Non-Statutory Executive Formed Committees

### 3.3.6.1 Creation of Non-Statutory Executive Formed Committees

- A) The City Manager of the City of Lavon may, by written Order, create and or form a Committee for the purpose of performing a specific task, set of tasks or research for the City Manager.
- B) The Order creating the committee shall include:
  - 1) the stated purpose of the committee; and
  - 2) the ending date of the committee; and
  - 3) the method of appointment of members of the committee; and
  - 4) any restrictions on membership of the committee; and
  - 5) the chair of the committee; and
  - 6) the manner and frequency of meetings of the Committee.

Amended 20 April 2010 Ord. 2010-04-05

### 3.3.6.2 Duration of Non-Statutory Executive Formed Committees

- A) A Committee formed under this Chapter shall serve until the first of the following occurs:
  - 1) the date established by the City Manager as the sunset date for the committee; or
  - 2) the first City Council meeting after an selection of a new City Manager; or
  - 3) when disbanded by vote of the City Council.

Amended 20 April 2010 Ord. 2010-04-05

# City of Lavon Code of Regulations

## Title 3 – Administration

### 3.3.6.3 Limitation on authority of Non-Statutory Executive Formed Committees

- A) All committees formed under this Chapter shall have no authority except as a recommending body to the City Manager.
- B) Committee members shall be prohibited from expending any City funds except Executive formed committees may expend funds under the following conditions:
  - 1) with the express permission of the City Council given by vote at a regular or called meeting; or
  - 2) with the approval of a Supervising Municipal Officer who is authorized to expend funds from the specified line item in the budget that the funds would be spent from.
- C) Committee members shall not be authorized to direct the work of any employees.
- D) Committee members shall not use the logo, seal, insignia, letterhead, or name of the City of Lavon
  - 1) Committee members may use the Executive Branch logos, the Executive Branch seals, the Executive Branch insignia, the Executive Branch letterheads, or the City Manager's name if expressly authorized by the City Manager in the Order forming the Committee.

Amended 20 April 2010 Ord. 2010-04-05

### 3.3.6.4 Authority of Non-Statutory Executive Formed Committees

- A) The authority of an Executive formed Committee shall be limited to providing informational or recommendations to the City Manager.

Amended 20 April 2010 Ord. 2010-04-05

### 3.3.6.5 Cooperation with employees and other Committees

- A) All members of a committee shall cooperate and work in conjunction with employees of the City, other committee members, and other committees.

Amended 20 April 2010 Ord. 2010-04-05

### 3.3.6.6 Designation of a Committee Secretary

- A) The Chairman shall select from the Committee membership a Committee Secretary.
  - 1) On such days or times that the Committee Secretary can not fulfill their duties and the Chair shall designate from the Committee members present, an Acting Committee Secretary.
  - 2) At the request of the Chair and with the consent of the City Secretary, the City Secretary may serve as the Acting Committee Secretary.

Amended 20 April 2010 Ord. 2010-04-05

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## Title 3 – Administration

### 3.3.6.7 Meetings of the Committee

A) The meetings of Committees formed under this Chapter may be either open or closed to the public, unless:

- 1) the composition, duties, leadership or some other feature of the Committee requires application of Chapter 551 of the Texas Government Code; or
- 2) any Ordinance, State Law or rule requires the meetings to be open to the public.

Amended 20 April 2010 Ord. 2010-04-05

### 3.3.6.8 Duties of a Committee Secretary

A) A Committee Secretary shall work in concert with and under the guidance of the City Manager.

B) The Committee Secretary shall keep the records of the Committee.

C) Unless otherwise required by law or as directed by the City Manager, the Committee Secretary shall not be required to keep minutes of the meetings.

D) The Committee Secretary shall fulfill any reasonable request or order of the Mayor, an Alderman or Municipal Officer.

E) Unless otherwise required by law, the Committee Secretary shall not be required to prepare an agenda for Committee meetings.

Amended 20 April 2010 Ord. 2010-04-05

### 3.3.6.9 Records of the Committee

A) The City Secretary shall maintain a true and correct copy of all records of the Committee.

B) The Commission Secretary shall submit the records to the City Secretary for inclusion in the official records of the City in the same manner as the other City Records would be submitted by members of the Executive Branch.

Amended 20 April 2010 Ord. 2010-04-05

## Chapter 7 – Non-Statutory Department Formed Committees

### 3.3.7.1 Creation of Non-Statutory Department Formed Committees

A) A Department Head of the City of Lavon may, with the approval of their Supervising Municipal Officer and by written Order, create and or form a Committee for the purpose of performing a specific task, set of tasks or research for the Department.

B) The Order creating the committee shall include:

- 1) the stated purpose of the committee; and
- 2) the ending date of the committee; and
- 3) the method of appointment of members of the committee; and
- 4) any restrictions on membership of the committee; and
- 5) the chair of the committee; and

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6) the manner and frequency of meetings of the Committee.

Amended 20 April 2010 Ord. 2010-04-05

### 3.3.7.2 Duration of Non-Statutory Department Formed Committees

A) A Committee formed under this Chapter shall serve until the first of the following occurs:

- 1) the date established by the Department Head as the sunset date for the committee; or
- 2) when disbanded by an Order of the Supervising Municipal Officer; or
- 3) when disbanded by vote of the City Council.

Amended 20 April 2010 Ord. 2010-04-05

### 3.3.7.3 Limitation on authority of Non-Statutory Department Formed Committees

A) All committees formed under this Chapter shall be for internal Department purposes and shall have no authority beyond the scope and authority of the Department.

B) Committee members shall be prohibited from expending any City funds except Department formed committees may expend funds under the following conditions:

- 1) with the express permission of the City Council given by vote at a regular or called meeting; or
- 2) with the approval of a Department Head who is authorized to expend funds from the specified line item in the budget that the funds would be spent from and within the limits authorized for Department Head; or
- 3) with the approval of a Supervising Municipal Officer who is authorized to expend funds from the specified line item in the budget that the funds would be spent from.

C) Committee members shall not be authorized to direct the work of any employees.

D) Committee members shall not use the logo, seal, insignia, letterhead, or name of the City of Lavon

- 1) Committee members may use the Department logo, the Department seal, the Department insignia, the Department letterhead, or the Department Head's name if expressly authorized by the Department Head in the Order forming the Committee.

Amended 20 April 2010 Ord. 2010-04-05

### 3.3.7.4 Authority of Non-Statutory Department Formed Committees

A) The authority of an Department formed Committee shall be limited to authority authorized to the Department and extended to the Committee through the enabling Order.

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Amended 20 April 2010 Ord. 2010-04-05

### 3.3.7.5 Cooperation with employees and other Committees

A) All members of a committee shall cooperate and work in conjunction with employees of the City, other committee members, and other committees.

Amended 20 April 2010 Ord. 2010-04-05

### 3.3.7.6 Designation of a Committee Secretary

A) The Chairman shall select from the Committee membership a Committee Secretary.

- 1) On such days or times that the Committee Secretary can not fulfill their duties and the Chair shall designate from the Committee members present, an Acting Committee Secretary.
- 2) At the request of the Chair and with the consent of the City Secretary, the City Secretary may serve as the Acting Committee Secretary.

Amended 20 April 2010 Ord. 2010-04-05

### 3.3.7.7 Meetings of the Committee

A) The meetings of Committees formed under this Chapter may be either open or closed to the public, unless:

- 1) the composition, duties, leadership or some other feature of the Committee requires application of Chapter 551 of the Texas Government Code; or
- 2) any Ordinance, State Law or rule requires the meetings to be open to the public.

Amended 20 April 2010 Ord. 2010-04-05

### 3.3.7.8 Duties of a Committee Secretary

- A) A Committee Secretary shall work in concert with and under the guidance of the Department Head.
- B) The Committee Secretary shall keep the records of the Committee.
- C) Unless otherwise required by law or as directed by the Department, the Committee Secretary shall not be required to keep minutes of the meetings.
- D) The Committee Secretary shall fulfill any reasonable request or order of the Mayor, an Alderman or Municipal Officer.
- E) Unless otherwise required by law, the Committee Secretary shall not be required to prepare an agenda for Committee meetings.

Amended 20 April 2010 Ord. 2010-04-05

### 3.3.7.9 Records of the Committee

A) The City Secretary shall maintain a true and correct copy of all records of the Committee.

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## Title 3 – Administration

B) The Commission Secretary shall submit the records to the City Secretary for inclusion in the official records of the City in the same manner as the other City Records would be submitted.

Amended 20 April 2010 Ord. 2010-04-05

### Chapter 8 – Infrastructure and Facilities Commission

#### 3.3.8.1 Creation of Infrastructure and Facilities Commission

A) The City Council of the City of Lavon does hereby create and establish the City of Lavon Infrastructure and Facilities Commission as a Legislative Branch Commission under the authority granted them in Texas Local Government Code.

1) The City of Lavon Infrastructure and Facilities Commission is also known as:

- a) the Infrastructure and Facilities Commission; and
- b) the Infrastructure Commission; and
- c) the IFC.

2) References to these alternate names in this chapter shall indicate a reference to the City of Lavon Infrastructure and Facilities Commission.

Amended 21 December 2010 - Ord. 2010-12-02

#### 3.3.8.2 Structure of Infrastructure and Facilities Commission

A) The Infrastructure and Facilities Commission shall consist of Seven (7) voting members.

1) For each seat that remains vacant the size of the commission shall be reduced by one person until such seat is filled.

2) A quorum of commissioners shall be defined as a number of commissioners equal to a majority of total seats for whom a commissioner is currently appointed as follows:

- a) when there are seven (7) commission seats filled a majority is four (4) commissioners; or
- b) when there are six (6) commission seats filled a majority is four (4) commissioners; or
- c) when there are five (5) commission seats filled a majority is three (3) commissioners; or
- d) when there are four (4) commission seats filled a majority is three (3) commissioners.

3) If there are only three(3) or less seats filled, the commission shall become inactive until such time as the total seats filled are equal four(4) or greater.

B) The Planning and Zoning Liaison selected by the City Council shall also serve as a non voting member of the Infrastructure and Facilities Commission.

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1) This position shall be defined as the City Council Liaison to the Infrastructure and Facilities Commission.

C) Unless the Infrastructure and Facilities Commission selects from it's membership a Commission Secretary, the City Secretary shall serve as the Infrastructure and Facilities Commission Secretary.

1) On such days or times that the Commission Secretary can not fulfill their duties and the Chair has not designated an Acting Commission Secretary, the City Secretary shall serve as the Acting Commission Secretary.

D) The officers of the Infrastructure and Facilities Commission shall be:

- 1) Chair
- 2) Vice Chair
- 3) City Council Liaison to the Infrastructure and Facilities Commission
- 4) Infrastructure and Facilities Commission Secretary

E) The positions of Chair and Vice Chair shall be members of the Infrastructure and Facilities Commission and shall be inclusive of the seven (7) enumerated members.

Amended 21 December 2010 - Ord. 2010-12-02

### 3.3.8.3 Eligibility Requirements for Members of the Infrastructure and Facilities Commission

A) All members of the Commission except the Chair shall be permanent residents of the City of Lavon at the time of appointment to the Commission.

B) All members of the Commission shall have resided in the City of Lavon for at least six (6) months prior to their appointment to the Commission.

C) Any member who moves their permanent residence to a location outside the City limits of the City of Lavon shall forfeit their seat.

D) A member of the Commission may retain their seat while having a temporary residence outside the City Limits for a period not to exceed ninety (90) days in any one calendar year.

1) To be eligible for this provision the Commission member must notify the City Council Liaison to the Infrastructure and Facilities Commission and the Commission Secretary in writing prior to the temporary move.

2) A member who is temporarily residing outside the City shall notify the City Council Liaison to the Infrastructure and Facilities Commission and the Commission Secretary in writing within one week of returning their residence to the City.

3) A member of the Commission who maintains a temporary residence outside the City Limits for a period greater than ninety (90) days in any one calendar year shall forfeit their seat.

E) Commission members shall remain current in all debts owed to the City.



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- 1) A member of the Commission who owes a debt to the City that is past due for more than thirty (30) days shall forfeit their seat.
- 2) The City Secretary shall notify the Mayor, appointing Alderman, Commission Chair and Commission Secretary of any Commission Member in violation of provision E1 of this paragraph.

Amended 21 December 2010 - Ord. 2010-12-02

### 3.3.8.4 Appointment of Members

- A) The Director of Public Works shall serve as the Chair of the IFC and the Chair's seat shall be designated as seat seven (7).
- B) The Mayor shall select the commissioner to serve in seat six (6),
- C) Each Alderman shall select a commissioner to serve in the seat with the same number as the Alderman.
  - 1) For example the Alderman serving in City Council seat one (1) shall select and appoint Commissioner to serve in IFC seat one (1).
- D) The Mayor and each Alderman shall designate their appointment by presenting a letter to the City Secretary designating the appointee.
  - 1) The City Secretary shall notify the Mayor, IFC Chair, the Infrastructure and Facilities Commission liaison and the appointee of the appointment.
  - 2) The City Secretary shall place the letter in the permanent records archive of the City.
  - 3) The City Secretary shall administer any and all required oaths of office to the appointee.
- E) The Mayor and Alderman of the City may not serve as voting members of the Infrastructure and Facilities Commission.
- F) A Commission member may resign from their position by presenting the Mayor, the Chair of the Infrastructure and Facilities Commission, their appointing Alderman, the City Secretary or the City Council Liaison for the Infrastructure and Facilities Commission with a letter of resignation.

Amended 21 December 2010 - Ord. 2010-12-02

### 3.3.8.5 Selection of Officers for the Infrastructure and Facilities Commission

- A) Any Alderman may nominate any other Alderman to serve as the City Council Liaison to the Infrastructure and Facilities Commission (hereafter Infrastructure and Facilities Commission Liaison) to fill a vacant or expiring Infrastructure and Facilities Commission Liaison position.
  - 1) The nomination and vote of appointment of the Infrastructure and Facilities Commission Liaison shall:
    - a) be only during a properly noticed agenda item calling for the appointment of a person to serve as the Infrastructure and Facilities Commission Liaison; and

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b) be by nomination from an Alderman and vote of the membership of the City Council.

I) An affirmative vote of a majority of the Alderman present at the meeting shall result in the person being appointed to the position of Infrastructure and Facilities Commission Liaison.

II) A tie vote of the Alderman present at the meeting shall require the Mayor to cast the deciding vote.

1) If the Mayor is not present or can not vote in the matter, in the case of a tie vote it shall result in the person not being appointed to the position of Infrastructure and Facilities Commission Liaison.

III) An affirmative vote of less than a majority of the Alderman present at the meeting, except in the case of a tie, shall result in the person not being appointed to the position of Infrastructure and Facilities Commission Liaison.

IV) An appointment as Infrastructure and Facilities Commission Liaison shall be for a period of not more than the balance of the unexpired term of the selected Alderman.

2) The nominate Alderman shall cast a vote “for” or “against” their nomination if they are present at the meeting and eligible to vote on the matter.

3) The nominated person may decline the nomination either before or after the vote on their appointment.

4) An Alderman serving as the Infrastructure and Facilities Commission Liaison may resign from the position of Infrastructure and Facilities Commission Liaison without resigning from the underlying position of Alderman.

a) To resign the Infrastructure and Facilities Commission Liaison shall present the City Secretary and the Mayor with a letter of resignation stating whether or not they are resigning their underlying Alderman position.

B) The position of Infrastructure and Facilities Chair shall be filled only by the Director of Public Works for the City of Lavon.

C) The Chair for the Infrastructure and Facilities Commission shall nominate a member to fill a vacant or expiring Vice Chair position on the Infrastructure and Facilities Commission.

1) The nomination and vote of appointment of the Vice Chair of the Commission shall:

a) be only during a properly noticed agenda item calling for the appointment of a person to serve as the Vice Chair; and

b) be by nomination from the Chair of the Infrastructure and Facilities Commission and vote of the membership of the Commission.

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- I) An affirmative vote of a majority of the Commissioners present at the meeting shall result in the person being appointed to the position of Chair.
  - II) An affirmative vote of less than a majority of the Commissioners present at the meeting shall result in the person not being appointed to the position of Vice Chair.
  - III) An appointment as Vice Chair shall be for a period of not more than the balance of the unexpired term of the selected member.
- 
- 2) The nominated person may decline the nomination either before or after the vote on their appointment.
  - 3) The Chair or City Council Liaison to the Infrastructure and Facilities Commission shall not be eligible to serve as the Vice Chair.
  - 4) A member serving as the Commission Vice Chair may resign from the position of Vice Chair without resigning from the underlying Commission membership.
    - a) To resign the member shall present the City Secretary and the Commission Secretary with a letter of resignation stating whether or not they are resigning the underlying Commission membership.
- 
- D) Any Commissioner may nominate a member to fill a vacant or expiring Commission Secretary position on the Infrastructure and Facilities Commission.
    - 1) A selection of a Commission member for Commission Secretary shall:
      - a) be only during a properly noticed agenda item calling for the selection of a Commission member to serve as the Commission Secretary; and
      - b) by nomination and vote of the membership of the Commission:
        - and
        - I) An affirmative vote of a majority of the full membership of the Commission shall elect the member as the Commission Secretary.
        - II) An affirmative vote of less than a majority of the full membership of the Commission shall result in the member not being elected as the Commission Secretary.
      - c) shall be for a period of not more than the balance of the unexpired term of the selected member; and
      - d) the nominated member may decline the nomination either before or after the vote on their nomination; and
      - e) the Chair, vice Chair or City Council Liaison to the Infrastructure and Facilities Commission shall not be eligible to serve as the Commission Secretary.
    - 2) A member serving as the Commission Secretary may resign from the position of Commission Secretary without resigning from the underlying Commission membership.

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- a) To resign the member shall present the City Secretary and the Chair with a letter of resignation stating whether or not they are resigning the underlying Commission membership.

Amended 21 December 2010 - Ord. 2010-12-02

### 3.3.8.6 Term of Office

A) The regular term of office shall run concurrently with the term of office of the individual appointing Mayor or appointing Alderman.

B) The Mayor and each Alderman may remove the commissioner that they individually appointed by presenting a letter to the City Secretary designating the date the commissioner is to be removed from the IFC.

- 1) The City Secretary shall notify the Mayor, IFC Chair, the Infrastructure and Facilities Commission liaison and the commissioner of the removal.
- 2) The City Secretary shall place the letter in the permanent records archive of the City.
- 3) The removal may be with or without cause.

C) The City Council may remove any member of the Commission at any time by a super majority vote of the City Council.

- 1) The motion to remove the member may be made by the Mayor or any Alderman on an agenda item appropriate for such motion.
- 2) The removal may be with or without cause.
- 3) The motion, second and debate need not include any discussion of the reasons for removal.

Amended 21 December 2010 - Ord. 2010-12-02

### 3.3.8.7 Compensation of Members

A) The members of the Commission shall serve without any compensation.

B) The City Council may approve the payment of expenses for travel, meetings and similar cost which are incurred by the members incidental to the performance of their duties on the Commission.

- 1) Such reimbursements shall be limited to items, categories and amounts previously approved by the City Council in the annual budget.
- 2) All eligible expense shall have been approved by the Chair or Vice Chair prior to incurring the expense.
- 3) Requests for reimbursement shall be submitted in writing with a full explanation to the City Secretary for consideration at an upcoming City Council meeting.

Amended 21 December 2010 - Ord. 2010-12-02

### 3.3.8.8 Annual Roadway Inventory

A) Each year the Infrastructure and Facilities Commission shall, no later than June 1st, complete an Annual Roadway Inventory that contains a section on the current state of all roadways in the City.

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- 1) The current state section of Annual Roadway Inventory shall, at a minimum, include a list of all roads in the City of Lavon, noting the:
  - a) type of roadway; and
  - b) surface material of the roadway; and
  - c) the current condition of the roadway.

B) Each year the Infrastructure and Facilities Commission shall, no later than June 1st, complete an Annual Roadway Inventory that contains a section on the future state of all roadways in the City.

- 1) The future state section of Annual Roadway Inventory shall, at a minimum, include a list of all roads in the City of Lavon, noting the:
  - a) type of roadway that each roadway will become in the future; and
  - b) surface material of the roadway to be used on the next replacement cycle; and
  - c) the planned closures of any roadways in the future; and
  - d) the planned opening of any new roadways in the future.

C) Each year the Infrastructure and Facilities Commission shall, no later than June 1st, complete an Annual Roadway Inventory that contains a section on gap analysis between the current state and future state of all roadways in the City.

D) Each year the Infrastructure and Facilities Commission shall, no later than June 1st, complete an Annual Roadway Inventory that contains a section on the annual proposed improvements to any roadway in the City.

- 1) The annual proposed improvements section of Annual Roadway Inventory shall, at a minimum, include a list of any roads in the City of Lavon which the Infrastructure And Facilities Commission is proposing be improved within the next fiscal year, noting:
  - a) the location of each roadway to be improved; and
  - b) a description of the section of the roadway to be improved; and
  - c) whether the improvement should be done by the City's Public Works Department or an outside vendor; and
  - d) an estimate of the cost for improvements; and
  - e) a proposed funding source for the improvement.

E) Each year the Infrastructure and Facilities Commission shall, no later than June 1st, complete an Annual Roadway Inventory that contains a section on any proposed new roadways in the City.

- 1) The annual proposed new roadways section of Annual Roadway Inventory shall, at a minimum, include a list of any new roads proposed in the City of Lavon by the Infrastructure And Facilities Commission, noting:
  - a) the location of each new roadway; and
  - b) type of roadway for each new roadway; and
  - d) an estimate of the cost for each new roadway; and
  - e) a proposed funding source for the roadway.





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- c) the planned abandonment of any Storm Water Drainage Easements in the future; and
- d) the planned opening of any new Storm Water Drainage Easements in the future.

C) Each year the Infrastructure and Facilities Commission shall, no later than June 1st, complete an Annual Storm Water Drainage Easement Inventory that contains a section on gap analysis between the current state and future state of all Storm Water Drainage Easements in the City.

D) Each year the Infrastructure and Facilities Commission shall, no later than June 1st, complete an Annual Storm Water Drainage Easement Inventory that contains a section on the annual proposed improvements to any Storm Water Drainage Easement in the City.

1) The annual proposed improvements section of Annual Storm Water Drainage Easement Inventory shall, at a minimum, include a list of any Storm Water Drainage Easements in the City of Lavon which the Infrastructure And Facilities Commission is proposing be improved within the next fiscal year, noting:

- a) the location of each Storm Water Drainage Easement to be improved; and
- b) a description of the section of the Storm Water Drainage Easement to be improved; and
- c) whether the improvement should be done by the property owner, the City's Public Works Department, or an outside vendor; and
- d) an estimate of the cost for improvements; and
- e) a proposed funding source for the improvement.

E) Each year the Infrastructure and Facilities Commission shall, no later than June 1st, complete an Annual Storm Water Drainage Easement Inventory that contains a section on any proposed new Storm Water Drainage Easements in the City.

1) The annual proposed new Storm Water Drainage Easements section of Annual Storm Water Drainage Easement Inventory shall, at a minimum, include a list of any future Storm Water Drainage Easement proposed in the City of Lavon by the Infrastructure And Facilities Commission, noting:

- a) the location of each new Storm Water Drainage Easement; and
- b) type of Storm Water Drainage Easement for each new Storm Water Drainage Easement; and
- d) an estimate of the cost for each new Storm Water Drainage Easement; and
- e) a proposed funding source for the Storm Water Drainage Easement.

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3.3.8.11 Annual City Facilities Inventory



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A) Each year the Infrastructure and Facilities Commission shall, no later than June 1st, complete an Annual City Facilities Inventory that contains a section on the current state of all City Facilities in the City.

1) The current state section of Annual City Facilities Inventory shall, at a minimum, include a list of all City Facilities in the City of Lavon, noting the:

- a) type of City Facilities ; and
- b) location of the City Facilities; and
- c) the current condition of the City Facilities; and
- d) the current use of the City Facilities.

B) Each year the Infrastructure and Facilities Commission shall, no later than June 1st, complete an Annual City Facilities Inventory that contains a section on the future state of all City Facilities s in the City.

1) The future state section of Annual City Facilities Inventory shall, at a minimum, include a list of all City Facilities in the City of Lavon, noting the:

- a) type of City Facilities that each City Facilities will become in the future; and
- b) size of the City Facilities that each City Facilities will become in the future; and
- c) future use of any City Facilities s in the future.

C) Each year the Infrastructure and Facilities Commission shall, no later than June 1st, complete an Annual City Facilities Inventory that contains a section on gap analysis between the current state and future state of all City Facilities in the City.

D) Each year the Infrastructure and Facilities Commission shall, no later than June 1st, complete an Annual City Facilities Inventory that contains a section on the annual proposed improvements to any City Facilities in the City.

1) The annual proposed improvements section of Annual City Facilities Inventory shall, at a minimum, include a list of any City Facilities s in the City of Lavon which the Infrastructure And Facilities Commission is proposing be improved within the next fiscal year, noting:

- a) the location of each City Facilities to be improved; and
- b) a description of the section of the City Facilities to be improved; and
- c) whether the improvement should be done by the City's Public Works Department, or an outside vendor; and
- d) an estimate of the cost for improvements; and
- e) a proposed funding source for the improvement.

E) Each year the Infrastructure and Facilities Commission shall, no later than June 1st, complete an Annual City Facilities Inventory that contains a section on any proposed new City Facilities in the City.

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1) The annual proposed new City Facilities section of Annual City Facilities Inventory shall, at a minimum, include a list of any future City Facilities proposed in the City of Lavon by the Infrastructure And Facilities Commission, noting:

- a) the location of each new City Facilities; and
- b) type of City Facilities for each new City Facilities ; and
- d) the use of each new City Facilities ; and
- e)an estimate of the cost for each new City Facilities; and
- d) a proposed funding source for the City Facilities.

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### 3.3.8.12 Annual Public Works Major Equipment Inventory

A) Each year the Infrastructure and Facilities Commission shall, no later than June 1st, complete an Annual Public Works Major Equipment Inventory that contains a section on the current state of all Public Works Major Equipment owned by the City.

1) The current state section of Annual Public Works Major Equipment Inventory shall, at a minimum, include a list of all Public Works Major Equipment owned by the City of Lavon, noting the:

- a) type of Public Works Major Equipment ; and
- b) age of the Public Works Major Equipment; and
- c) the current condition of the Public Works Major Equipment; and
- d) the current use of the Public Works Major Equipment.

B) Each year the Infrastructure and Facilities Commission shall, no later than June 1st, complete an Annual Public Works Major Equipment Inventory that contains a section on the future state of all Public Works Major Equipment s in the City.

1) The future state section of Annual Public Works Major Equipment Inventory shall, at a minimum, include a list of all Public Works Major Equipment in the City of Lavon, noting the:

- a) type of Public Works Major Equipment needed by Public Works Major Equipment to best perform the departments responsibilities; and
- b) size of the Public Works Major Equipment needed by Public Works Major Equipment to best perform the departments responsibilities; and
- c) the skill set needed to operate the Public Works Major Equipment.

C) Each year the Infrastructure and Facilities Commission shall, no later than June 1st, complete an Annual Public Works Major Equipment Inventory that contains a section on gap analysis between the current state and future state of all Public Works Major Equipment in the City.

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D) Each year the Infrastructure and Facilities Commission shall, no later than June 1st, complete an Annual Public Works Major Equipment Inventory that contains a section on the annual proposed purchase of new or replacement Public Works Major Equipment in the City.

1) The annual proposed purchase of new or replacement Public Works Major Equipment section of the Annual Public Works Major Equipment Inventory shall, at a minimum, include a list of any purchase of new or replacement Public Works Major Equipment for the City of Lavon which the Infrastructure And Facilities Commission is proposing within the next fiscal year, noting:

- a) the type of each Public Works Major Equipment to be purchased; and
- b) the use of the Public Works Major Equipment to be purchased; and
- c) whether the proposed equipment is to replace an existing piece of equipment, add to the inventory of similar equipment or is a new type of equipment for the City; and
- d) an estimate of the cost for each proposed purchase of new or replacement Public Works Major Equipment; and
- e) a proposed funding source for each proposed purchase of new or replacement Public Works Major Equipment.

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### 3.3.8.13 Annual Public Works Staffing Report

A) Each year the Infrastructure and Facilities Commission shall, no later than April 1st, complete an Annual Public Works Staffing Report that contains a section on the current state of all Public Works Staffing in the City.

1) The current state section of Annual Public Works Staffing Report shall, at a minimum, include a list of all Public Works Staff working for the City of Lavon, noting the:

- a) number of Public Works Staff; and
- b) assignment of the Public Works Staff; and
- c) any unfilled Public Works Staff positions; and
- d) the current skill set of each the Public Works Staff member as reported by the Director of Public Works.

B) Each year the Infrastructure and Facilities Commission shall, no later than April 1st, complete an Annual Public Works Staffing Report that contains a section on the annual proposed creation of new Public Works Staffing positions in the City.

1) The annual proposed creation of new Public Works Staffing positions section of the Annual Public Works Staffing Report shall, at a minimum, include a list of any new Public Works Staffing for the City of Lavon which the Infrastructure And Facilities Commission is proposing within the next fiscal year, noting:

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- a) the type of each Public Works Staffing position to be created; and
- b) the proposed assignment of each Public Works Staffing position to be created; and
- c) an estimate of the cost for each proposed each Public Works Staffing position to be created; and
- e) a proposed funding source for each proposed each Public Works Staffing position to be created.

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### 3.3.8.14 Research and Analysis

- A) The Infrastructure And Facilities Commission shall conduct research and analysis of matters affecting roadways in the City; and
- B) The Infrastructure And Facilities Commission shall conduct research and analysis of matters affecting Sanitary Sewer in the City; and
- C) The Infrastructure And Facilities Commission shall conduct research and analysis of matters affecting Storm Water Drainage in the City; and
- D) The Infrastructure And Facilities Commission shall conduct research and analysis of matters affecting City owned facilities; and
- E) The Infrastructure And Facilities Commission shall conduct research and analysis of matters affecting Public Works Equipment owned by the City; and
- F) The Infrastructure And Facilities Commission shall conduct research and analysis of matters affecting any other public infrastructure in the City; and
- G) The Infrastructure And Facilities Commission shall conduct research and analysis of other matters supporting the Public Works Department as requested by the Director of Public Works; and
- H) The Infrastructure And Facilities Commission shall conduct research and analysis of other matters as directed by the City Council; and
- I) The Infrastructure and Facilities Commission shall conduct research and analysis of other matters as requested by the City Manager.
- J) The Infrastructure And Facilities Commission shall cooperate with and work in conjunction with the City of Lavon Planning and Zoning Commission.

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### 3.3.8.15 Other Duties of the Infrastructure and Facilities Commission

- A) The Infrastructure And Facilities Commission shall perform other duties as may be assigned by the City Council; and
- B) If directed by the City Council, the Infrastructure and Facilities Commission shall either absorb or supervise all other Legislative Branch committees relating to Public Infrastructure, or any other area of responsibility of the Infrastructure and Facilities Commission, previously existing or which may be created in the future.

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### 3.3.8.16 Infrastructure and Facilities Commission Meetings

- A) The Infrastructure and Facilities Commission shall establish regular meeting days each month.
- B) The Infrastructure and Facilities Commission shall establish regular meeting times.
- C) The Infrastructure and Facilities Commission shall meet at such other times as may be necessary for the efficient performance of its duties.

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### 3.3.8.17 Business of the Infrastructure and Facilities Commission

- A) All business of the Infrastructure and Facilities Commission shall be conducted in open meetings which were properly noticed and for which the business or action appears on the agenda.
- B) The Infrastructure And Facilities Commission shall prepare a record of all meetings as required by the Code of Regulations, City Ordinance and State Law.
  - 1) The record shall include a set of approved minutes for each meeting with each topic discussed and each motion and vote.
  - 2) The record shall include the original Infrastructure And Facilities Commission agenda for the meeting signed by the Infrastructure And Facilities Commission Secretary.
  - 3) The Record shall include a copy of all documents submitted to the Infrastructure and Facilities Commission in relation to the business conducted at the meeting.
- C) For any motion to prevail it shall have received the affirmative vote of a majority of the Commissioners eligible to vote on the motion, in attendance at the meeting and actually present at the time of the vote.
  - 1) If established by a separate ordinance, rule, regulation or law, some matters may require the affirmative vote of the full Infrastructure and Facilities Commission or a super majority of the full Infrastructure and Facilities Commission.

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### 3.3.8.18 Duties of Chair

- A) The Chair shall submit to the Infrastructure and Facilities Commission Secretary items for placement on the Infrastructure and Facilities Commission agenda.
- B) The Chair shall review and approve the Infrastructure and Facilities Commission agenda prior to posting of the Infrastructure and Facilities Commission agenda by the Infrastructure and Facilities Commission Secretary.
- C) The Chair shall be the presiding officer at each meeting at which they are in attendance.
- D) The Chair shall report regularly to the City Council on the activities of the Infrastructure And Facilities Commission.

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- 1) Reports to the Council by the Chair shall be as often as appropriate but in no case be less often than once a quarter.
  - 2) The reports to the Council shall be in writing but shall be verbally summarized by the Chair at a City Council meeting for which an item appears on the agenda notifying the public of the contents of the report.
- E) The Chair shall ensure the Infrastructure And Facilities Commission acts in accordance with the directions of the City Council.
- F) The Chair shall ensure each Commissioner has a fair and equal opportunity to be heard, at each Infrastructure And Facilities Commission meeting they attend, on any topic which appears on an agenda for that meeting.
- G) The Chair shall ensure the deliberations of the Commissioners are on topic and within the scope of the agenda item.
- H) The Chair shall ensure each Municipal Officer has a fair and equal opportunity to be heard, at each Infrastructure And Facilities Commission meeting they attend, on any topic which appears on an agenda for that meeting.
- 1) If a staff member is attending the meeting as a representative of a Municipal Officer and in the absence of the Municipal Officer, the Chair shall afford the staff member the same privileges as the Municipal Officer would be entitled.
- I) The Chair shall ensure the visitors and guests observe proper decorum during Infrastructure And Facilities Commission meetings.
- 1) The Chair may only request a visitor or guest leave a meeting for just and good cause that the meeting could not continue without undo interruption if the guest or visitor remained.
  - 2) If a guest or visitor who has asked to leave fails to comply and continues to disrupt the meeting, the Chair shall temporarily recess the meeting until Law Enforcement can return order to the meeting.
  - 3) The Chair may not ask a Commissioner nor a Municipal Officer removed from a meeting.
  - 4) The Chair may ask a staff member removed only with the consent of the staff members Supervising Municipal Officer.
- J) The Chair shall endorse all minutes of the Infrastructure And Facilities Commission
- K) The Chair shall endorse all records, reports, or actions of the Infrastructure And Facilities Commission which have been properly passed or approved.
- L) The Chair shall work in good faith with the Alderman, Municipal Officers, other Commissioners and staff of the City.
- M) The Chair shall ensure the Infrastructure And Facilities Commission fulfills any reasonable request of an Alderman or Municipal Officer.

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### 3.3.8.19 Duties of Vice Chair

- A) The Vice Chair shall assist the Chair in the performance of their duties.

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- B) The Vice Chair shall perform the duties of the Chair in the absence of the Chair.
- C) The Vice Chair shall perform the duties of the Chair if for any reason the Chair fails to perform or refuses to perform the duties of the Chair.
  - 1) If the Chair refuses to perform their duties when called on to do so by a unanimous vote of the Commissioners (excluding the Chair) present at a meeting, the Vice Chair shall immediately assume the duties of the Chair and shall continue to serve in that role until the end of the meeting.
- D) The Vice Chair shall work in good faith with the Alderman, Municipal Officers, other Commissioners and staff of the City.
- E) The Vice Chair shall ensure the Infrastructure And Facilities Commission fulfills any reasonable request of an Alderman or Municipal Officer.

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### 3.3.8.20 Duties of Infrastructure And Facilities Commission Secretary

- A) The Infrastructure And Facilities Commission Secretary shall work in concert with and under the guidance of the City Secretary.
- B) The Infrastructure And Facilities Commission Secretary shall submit all original records to the City Secretary for inclusion in the official records of the City and shall keep a true and correct copy of the record for use by the Infrastructure And Facilities Commission.
- C) The Infrastructure And Facilities Commission Secretary shall keep the records of all activities of the Infrastructure And Facilities Commission.
- D) The Infrastructure And Facilities Commission Secretary shall prepare and post all agendas for the Infrastructure And Facilities Commission meetings, ensuring compliance with all State Laws and City Regulations.
- E) The Infrastructure And Facilities Commission Secretary shall prepare draft minutes and submit them to the Infrastructure And Facilities Commission for approval.
- F) The Infrastructure And Facilities Commission Secretary shall prepare the final minutes of each meeting of the Infrastructure And Facilities Commission and ensure they include:
  - 1) the date, time and location of the meeting; and
  - 2) the name of each Commissioner present at the meeting; and
  - 3) times during the meeting for which a Commissioner was absent and the reasons for such absence; and
  - 4) the name of each Municipal Officer present at the meeting; and
  - 5) times during the meeting for which a Municipal Officer who is in attendance, was absent and the reasons for such absence; and
  - 6) each agenda item; and
  - 7) the topics of discussion under each agenda item; and
  - 8) each motion made by a Commissioner, including the name of the Commissioner; and
  - 9) the name of the Commissioner who seconds the motion; and

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- 10) the vote on each motion, including the names of the Commissioners that voted, whether their vote was in favor, opposed abstention; and
- 11) the legally authorized reason for each abstention; and
- 12) information related to conflict of interests of the Commissioners; and
- 13) the time of each recess of the meeting, the duration of the recess and the time the meeting was restarted; and
- 14) the name and topic of each guest or visitor speaking at the meeting; and
- 15) the actual wording of each statement made “for the record” of the Infrastructure And Facilities Commission meetings; and
- 16) the time of adjournment of each meeting.

G) The Infrastructure And Facilities Commission Secretary shall work in good faith with the Alderman, Municipal Officers, other Commissioners and staff of the City.

H) The Infrastructure And Facilities Commission Secretary shall fulfill any reasonable request or order of an Alderman or Municipal Officer.

I) The Infrastructure And Facilities Commission Secretary shall ensure each item placed on the Infrastructure And Facilities Commission agenda lists the appropriate sponsor.

1) Items may only appear on an Infrastructure And Facilities Commission agenda if sponsored by:

- a) the Mayor; or
- b) an Alderman, including the Infrastructure And Facilities Commission Liaison; or
- c) a Municipal Officer; or
- d) the Chair; or
- e) the Vice Chair; or
- f) the Infrastructure And Facilities Commission Secretary; or
- g) a Commissioner; or
- h) a Department Head level staff member.

J) The Infrastructure And Facilities Commission Secretary shall cause an audio recording to be made of each Infrastructure And Facilities Commission meeting.

K) In the event the Infrastructure And Facilities Commission Secretary is absent or can not perform the duties of Infrastructure And Facilities Commission Secretary, the Chair shall select a Commissioner to serve as the Acting Infrastructure And Facilities Commission Secretary.

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### 3.3.8.21 Duties of Infrastructure And Facilities Commission Members

A) Each Commissioner shall attend the meetings of the Infrastructure And Facilities Commission.

B) Each Commissioner shall participate in the duties and actions of the Infrastructure And Facilities Commission.



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C) Each Commissioner shall respect the authority of the Mayor, Alderman, Municipal Officers, Chair, Vice Chair, Infrastructure And Facilities Commission Secretary, Infrastructure and Facilities Infrastructure And Facilities Commission Liaison and City Manager.

D) Each Commissioner shall confine their deliberations of each item set before them to the scope and manner prescribed by State Law, City Ordinance, the Code of Regulations and other rules of the City.

E) Each Commissioner shall follow the direction and guidance of the City Council as provided them from the official records of the City Council and the Infrastructure and Facilities Infrastructure And Facilities Commission Liaison.

1) Each Commissioner shall not let a single Alderman or group of Alderman disproportionally influence their actions but instead should rely on the official position of the governing body as demonstrated through the votes of the body.

F) Each Commissioner shall confine their deliberations to properly called meetings of the Infrastructure And Facilities Commission on which the item has been properly noticed on the agenda.

G) Each Commissioner who finds himself part of a deliberation outside a properly noticed meeting shall immediately thereafter, in writing, notify the City Secretary.

1) The City Secretary shall immediately thereafter notify:

- a) the Infrastructure and Facilities Infrastructure And Facilities Commission Liaison; and
- b) the Mayor; and
- c) the City Manager; and
- d) the City Attorney.

2) The City Secretary shall forward a copy of the written notification to the Chief of Police for criminal investigation.

3) Each Commissioner who, as soon as they become aware of the illegal deliberations, immediately removes themselves from the illegal deliberation and complies with each of the notification requirements shall not be declared in violation of Section 3.3.1.21(F).

H) Each Commissioner shall work in good faith with the Mayor, Alderman, City Manager, Municipal Officers, other Commissioners and staff of the City.

I) Each Commissioner shall fulfill any reasonable request or order of an Alderman or Municipal Officer.

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### 3.3.8.22 Duties of the City Council Liaison to the Infrastructure And Facilities Commission

A) The Infrastructure And Facilities Commission Liaison shall attend the meetings of the Infrastructure And Facilities Commission.

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- B) The Infrastructure And Facilities Commission Liaison shall participate in the deliberations of the Infrastructure And Facilities Commission.
- C) The Infrastructure And Facilities Commission Liaison shall respect the authority of the Mayor, Alderman, City Manager, Municipal Officers, Chair, Vice Chair, and Infrastructure And Facilities Commission Secretary.
- D) The Infrastructure And Facilities Commission Liaison shall confine their deliberations of each item set before them to the scope and manner prescribed by State Law, City Ordinance, the Code of Regulations and other rules of the City.
- E) The Infrastructure And Facilities Commission Liaison shall provide direction and guidance to the Infrastructure And Facilities Commission based on the official actions of the City Council and the experience and knowledge of the Infrastructure And Facilities Commission Liaison.
- 1) The Infrastructure And Facilities Commission Liaison shall not let a single Alderman or group of Alderman disproportionately influence their actions but instead should rely on the official position of the governing body as demonstrated through the votes of the body.
- F) The Infrastructure And Facilities Commission Liaison shall sponsor items of interest to the Infrastructure And Facilities Commission on the City Council agenda.
- G) The Infrastructure And Facilities Commission Liaison shall serve as arbiter for disputes among Commissioners.
- H) The Infrastructure And Facilities Commission Liaison shall request the removal of any Commissioner not complying with State Law, City Ordinance, the Code of Regulations, regulations or rules of the City of Lavon.
- I) The Infrastructure And Facilities Commission Liaison shall work in good faith with the Mayor, Alderman, City Manager, Municipal Officers, other Commissioners and staff of the City.
- J) The Infrastructure And Facilities Commission Liaison shall fulfill any reasonable request of an Alderman or Municipal Officer.
- K) The Infrastructure And Facilities Commission Liaison shall update the City Council on items of interest to the Infrastructure And Facilities Commission when those items are deliberated by the City Council.
- L) The Infrastructure And Facilities Commission Liaison shall update the City Council on significant items coming before the Infrastructure And Facilities Commission.

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### 3.3.8.23 Records submitted to the City Council

- A) The Chair shall submit a written report regularly to the City Council on the activities of the Infrastructure And Facilities Commission.
- 1) The Chair's reports to the Council shall be as often as appropriate but in no case be less often than once a quarter.

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2) The Chair May verbally summarize the report at a City Council meeting for which an item appears on the agenda notifying the public of the contents of the report.

B) Each item to be submitted to the City Council shall be submitted in writing by the Chair with the assistance of the Infrastructure And Facilities Commission Secretary.

- 1) The original of the document shall be submitted to the City Secretary for inclusion in the official records of the City; and
- 2) a copy of the document shall be retained by the Infrastructure And Facilities Commission Secretary for inclusion in the Infrastructure And Facilities Commission records; and
- 3) a copy of the document shall be submitted to the Infrastructure And Facilities Commission Liaison; and
- 4) a copy of the document shall be submitted to the City Manager.
- 5) The City Secretary shall cause the item to be placed on the agenda for the City Council showing the Chair as the sponsor for the item.

C) The Infrastructure And Facilities Commission and City Council may meet in joint session at a date, time and location as is ordered by the Mayor or a majority vote of the City Council ordering such joint session.

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### 3.3.8.24 Records of the Infrastructure and Facilities Commission

A) The Infrastructure and Facilities Commission Secretary shall submit the original of all records to the City Secretary for inclusion in the official records of the City.

B) The Infrastructure and Facilities Commission Secretary shall maintain a true and correct copy of all records of the Infrastructure And Facilities Commission, for use by the Infrastructure And Facilities Commission in a location provide by the City for such documents.

C) The records of the Infrastructure and Facilities Commission shall include but not be limited to:

- 1) each signed original final agenda; and
- 2) each signed original amendment to the agenda; and
- 3) each signed original Notice of Cancellation of a meeting; and
- 4) each signed original Notice of Attendance; and
- 5) the original of each item included in a Infrastructure And Facilities Commission packet.
- 6) an original copy of each item distributed to Commissioners; and
- 7) the original work product of each Commissioner; and
- 8) the audio recording of each meeting of the Infrastructure And Facilities Commission; and

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- 9) a true and correct copy of each item presented to the Infrastructure And Facilities Commission at a meeting by a member of the public, visitor or guest; and
- 10) a true and correct copy of each correspondence from the Chair, Vice Chair, Infrastructure And Facilities Commission Secretary or individual Commissioners; and
- 11) the original of each submission from the Infrastructure And Facilities Commission to the City Council; and
- 12) the original of each written directive from the City Council to the Infrastructure And Facilities Commission; and
- 13) a true and correct copy of any request made to the Infrastructure And Facilities Commission by any member of the public, individual, corporation, government entity or organization of any kind; and
- 14) a true and correct copy of any correspondence sent to the Infrastructure And Facilities Commission, Chair, Vice Chair, Infrastructure And Facilities Commission Secretary, or individual Commissioner concerning any matter that involves any past, present, future or potential business of the City of Lavon in any possible way.

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## Subtitle 4 – Departments of the City

### Chapter 1 – Creation of Departments

#### 3.4.1.1 Non Statutory Departments

- A) The City Council shall have the discretionary authority to create, dissolve, organize, reorganize, name or rename any non statutory departments of the Legislative Branch.
- B) The City Manager shall have the discretionary authority to create, dissolve, organize, reorganize, name or rename any non statutory departments of the Executive Branch.
- C) The Chief Justice shall have the discretionary authority to create, dissolve, organize, reorganize, name or rename any non statutory departments of the Judicial Branch.

#### 3.4.1.2 Statutory Departments

- A) The statutory departments of the City are:
  - 1) The City Secretary's Office.
  - 2) The City Manager's Office.
  - 3) The Municipal Courts.
  - 4) The City Prosecutor's Office.
  - 5) The Police Department.
  - 6) The City Marshal's Office

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## Title 3 – Administration

### Chapter 2 – City Secretary’s Office

#### 3.4.2.1 City Secretary’s Office

- A) The City hereby confirms and clarifies the City Secretary’s Office for the City of Lavon.
- B) The City Secretary’s Office shall be a part of the Legislative Branch of the City of Lavon.
- C) The City Secretary’s office through the direction of the City Secretary shall have discretionary authority and responsibilities as described in Subtitle 2 Municipal Officer, Chapter 5 City Secretary of this title.

### Chapter 3 – City Manager’s Office

#### 3.4.3.1 City Manager’s Office

- A) The City hereby confirms and clarifies the City Manager’s Office for the City of Lavon.
- B) The City Manager’s Office shall be a part of the Executive Branch of the City of Lavon.
- C) The City Manager’s office through the direction of the City Manager shall have discretionary authority and responsibilities as described in Subtitle 2 Municipal Officer, Chapter 4 City Manager of this title.

### Chapter 4 – Municipal Courts

#### 3.4.4.1 Municipal Court Jurisdiction

- A) The City hereby confirms and clarifies the Municipal Court for the City of Lavon.
- B) The Lavon Municipal Court is the primary court of the City of Lavon.
- C) The Lavon Municipal Court shall have concurrent jurisdiction with Justice of the Peace of the precinct on which the City is situated, in all matters arising under the criminal laws of the State of Texas, in which the matter is by fine only.
- D) The Lavon Municipal Court shall have jurisdiction in all matters arising under the Code of Regulations, Ordinances and Laws of the City of Lavon.

#### 3.4.4.2 Chief Justice

- A) The City hereby creates the position of Chief Justice for the City of Lavon.
- B) The Chief Justice shall be the Chief Judicial Officer for the City of Lavon.
- C) The Chief Justice shall be responsible for the smooth and ethical operation of the Municipal Court.
- D) The Chief Justice shall serve as the primary Municipal Judge for the City of Lavon.

#### 3.4.4.3 Municipal Judges

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- A) The City hereby confirms and clarifies the position of Municipal Judge of the City of Lavon.
- B) Municipal Judges shall be appointed by and accountable to the Chief Justice for the City of Lavon.
- C) Municipal Judges shall work, under the direction and supervision of the Chief Justice for the City of Lavon.
  - 1) The Municipal Judge shall receive compensation as contained in the budget and agreed upon by the City Council and the Chief Justice.

### 3.4.4.4 Court Clerk

- A) The City hereby confirms and clarifies the position of Municipal Court Clerk of the City of Lavon.
- B) The Court Clerk shall be responsible for the keeping the minutes of the proceedings of the Lavon Municipal Court.
- C) The Court Clerk shall be responsible for the issuing all processes of the Lavon Municipal Court.
- D) The Court Clerk shall be responsible for the keeping the records of the Lavon Municipal Court.
- E) The Court Clerk shall be responsible for all other duties of a Court Clerk.
- F) The Court Clerk shall be responsible for all other duties assigned to the Municipal Court Clerk by the Chief Justice.
- G) The Municipal Court Clerk shall be appointed by and accountable to the Chief Justice for the City of Lavon.
- H) The Court Clerk shall work, under the direction and supervision of the Chief Justice for the City of Lavon.
- I) The Municipal Court Clerk shall receive compensation as contained in the budget and agreed upon by the Municipal Court Clerk and the Chief Justice.

## Chapter 5 – City Prosecutors Office

### 3.4.5.1 City Prosecutor's Office Jurisdiction

- A) The City hereby confirms and clarifies the City Prosecutor's Office for the City of Lavon.
- B) The City Prosecutor's office shall have jurisdiction to prosecute all cases before the Municipal Court of the City of Lavon including all matters arising under State Law, the Code of Regulations, Ordinances and Laws of the City of Lavon.

### 3.4.5.2 City Prosecuting Attorney

- A) The City hereby confirms and clarifies the position of City Prosecuting Attorney for the City of Lavon.
- B) The City Prosecuting Attorney shall be responsible for the prosecution of all cases in the Lavon Municipal Court.
- C) The City Prosecuting Attorney shall be appointed by and accountable to the Chief Justice for the City of Lavon.

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D) The City Prosecuting Attorney shall work, under the direction and supervision of the Chief Justice.

E) The Municipal Prosecutor shall receive compensation as contained in the budget and agreed upon by the City Prosecuting Attorney and the Chief Justice.

### Chapter 6 – Police Department

#### 3.4.6.1 Lavon Police Department

A) The City hereby confirms and clarifies the Police Department for the City of Lavon.

B) The Lavon Police Department is the primary Law Enforcement agency of the City of Lavon.

C) The Chief of Police shall be the chief executive officer of the Lavon Police Department.

D) The City hereby confirms and clarifies the position(s) of Police Officer of the City of Lavon. Police Officers may be either paid or unpaid positions.

E) The positions of Chief of Police, Lieutenant, Sergeant, Investigator, Police Officer, Reserve Police Officer, or any other sworn member of the Lavon Police Department shall be Peace Officers as defined in Article 2.12 (3) of the Texas Code of Criminal Procedure and shall have the powers and duties as authorized to said Peace Officers.

#### 3.4.6.2 Chief of Police

A) The City hereby confirms and clarifies the Position of Chief of Police for the City of Lavon.

B) The Chief of Police shall be a full time paid position.

C) The Chief of Police shall be appointed by and accountable to the City Manager for the City of Lavon.

D) The Chief of Police shall work, on a day to day basis, under the direction and supervision of the City Manager.

E) The Chief of Police shall be authorized to recruit, select and hire any paid employees of the Lavon Police Department that are budgeted by the City Council and approved by the City Manager.

F) The Chief of Police shall be authorized to recruit, select and hire any non-paid or reserve member of the Lavon Police Department, whether sworn or non-sworn.

#### 3.4.6.3 Duties of the Lavon Police Department

A) The Chief of Police shall be responsible for the supervision of all members of the Lavon Police Department.

B) The Lavon Police Department shall be responsible for the enforcement of the Ordinances of the City of Lavon and laws of the State of Texas.

C) The Lavon Police Department shall be responsible for prevention, detection and investigation of criminal activity.

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D) The Lavon Police Department shall be responsible for the safety and security of the City of Lavon.

E) The Chief of Police and each Police Officer shall protect and defend the Constitution of the United States and the Constitution of the State of Texas.

F) The Lavon Police Department shall perform any other Law Enforcement duties as appropriate.

### 3.4.6.4 Police Reserves

A) The Lavon Police reserves shall consist of certified police professionals serving as unpaid members of the Lavon Police force.

B) Members of the Lavon Police reserves shall meet the same standards as paid members of the department.

C) Lavon Police reserves shall work at the direction of and be accountable to the Chief of Police.

## Chapter 7 – City Marshal’s Office

### 3.4.7.1 City Marshal’s Office

A) The City hereby confirms and clarifies the Position of City Marshal for the City of Lavon.

B) The Lavon Marshal Office is a Law Enforcement agency of the City of Lavon.

C) The City Marshal shall be the chief executive officer of the Lavon Marshal’s Office.

D) The City Marshal shall be appointed by and accountable to the City Council for the City of Lavon.

E) If the City Manager is qualified to serve as City Marshal and the City Council in the Contract with the City Manger authorizes it:

1) The City Manager shall have the authority to serve as the City Marshal and perform the duties, have the authority and use the title of a City Marshal at no additional pay.

2) The exercise of such authority is expressly designated by the City Council of the City of Lavon as not dual office holding.

F) The City hereby confirms and clarifies the position(s) of Deputy Marshal of the City of Lavon. The Deputy Marshals may be either paid or unpaid positions.

G) The positions of City Marshal, Lieutenant, Sergeant, Investigator, Deputy Marshal, Reserve Deputy Marshal, or any other sworn member of the Lavon Marshal’s Office shall be Peace Officers as defined in Article 2.12 (3) of the Texas Code of Criminal Procedure and shall have the powers and duties as authorized to said Peace Officers.

H) The City Marshal shall be authorized to recruit, select and hire any paid employees of the Lavon Marshal’s Office that are budgeted by the City Council.

I) The City Marshal shall be authorized to recruit, select and hire any non-paid or reserve member of the Lavon Marshal’s Office, whether sworn or non-sworn.



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### 3.4.7.2 Duties of the City Marshal's Office

- A) The City Marshal shall be responsible for the supervision of all members of the Lavon Marshal's Office.
- B) The City Marshal's Office shall be responsible for the enforcement of the Ordinances of the City of Lavon and laws of the State of Texas.
- C) The City Marshal's Office shall be responsible for prevention, detection and investigation of criminal activity.
- D) The City Marshal's Office shall be responsible for the investigation of and service of warrants.
- E) The City Marshal's Office shall be responsible for the safety and security of the City of Lavon.
- F) Each member of the City Marshal's Office shall protect and defend the Constitution of the United States and the Constitution of the State of Texas.
- G) The City Marshal's Office shall perform any other Law Enforcement duties as appropriate.

## Chapter 8 – Treasurer's Office

### 3.4.8.1 Treasurer's Office

- A) In accordance with Local Government Code 22.071, 22.075 and 25.051, the City hereby creates and clarifies the Treasurer's Office for the City of Lavon.
- B) The Treasurer's Office shall be a part of the Legislative Branch of the City of Lavon.
- C) The Treasurer's office, through the direction of the Treasurer, shall have discretionary authority and responsibilities as described in Subtitle 2 Municipal Officer, Chapter 10 Treasurer of this title.

Amended 20 December 2011 Ord. 2011-12-01

## Subtitle 5 – Ethics

### Chapter 1 – Legislative Branch Rules of Order and Procedure

#### 3.5.1.1 Applicability

- A) The rules, regulations and restrictions placed on the any member of the City Council shall equally apply to the Mayor and each Alderman.
- B) The rules, regulations and restrictions placed on any member of the City Council shall apply equally to all members committees, Commissions or boards of the Legislative Branch of the City of Lavon.

#### 3.5.1.2 Ad Hoc Committees

- A) Ad Hoc Committees shall be formed on an as needed basis with a clearly defined purpose and term, as well as reporting requirements.
- B) Ad Hoc Committees will consist of up to two Council members recommended by the Mayor with concurrence through a majority vote of the full City Council.

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### 3.5.1.3 Council Member Appointments and Assignments

- A) Council Member may be appointed to outside agencies, committees, task forces, boards and commissions.
- B) Council members provide a link for representing the values, beliefs and position of the City Council to these entities. The representative will periodically report to the City Council on the activities of these organizations.

### 3.5.1.4 Mayor to Act As Council Ceremonial Representative

- A) The Mayor is delegated the responsibility to act as the City Council's ceremonial representative at public events and functions.
- B) In the Mayor's absence, the Mayor Pro Tem assumes this responsibility.
- C) In both the Mayor's and Mayor Pro Tem's absence, the Mayor will appoint another Council Member to assume the responsibility.

### 3.5.1.5 Council Member Participation in Community Activities

- A) From time to time, Council members may choose to participate in community activities, committees, events and task forces.
- B) When a Council Member participates in these types of activities, the Council Member is acting as an interested citizen rather than acting on behalf of the City Council.
  - 1) Acting or participating on behalf of the City Council is limited to those instances when the City Council has formally designated the Council Member as its representative for the matter.

### 3.5.1.6 Regular Meetings

- A) Regular meetings of the City Council shall be held on the first and third Tuesday of each month.
- B) The meetings of the City Council shall be held in the City Council Chambers and begin at 7:00 p.m. unless otherwise approved by the Mayor or by a majority vote of the City Council.
- C) The City Council may, occasionally, elect to meet at other locations and, upon such election, shall give public notice of the change of location in accordance with provisions of State law.
- D) If by reason of fire, flood or other emergency, it is unsafe to meet in the City Council Chambers, the meetings may be held for the duration of the emergency at such other place as may be designated by the Mayor or, in the Mayor's absence by the Mayor Pro Tem or the City Secretary.

### 3.5.1.7 Cancellation of Meetings

- A) When the day for any regular meeting falls on a legal holiday, the regularly scheduled meeting for such day shall be deemed canceled unless otherwise specified by the City Council.
- B) When the Mayor deems appropriate, one or more regular meetings may be canceled by order of the Mayor.

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1) The Mayor may not cancel two consecutive regular meetings except for reason of a lack of quorum.

C) If the City Secretary is notified that a majority of the Alderman will not be present at a meeting, the meetings may be canceled by order of the City Secretary.

### 3.5.1.8 Council Workshops

A) When requested by the Mayor or by a majority of council members at a council meeting, the City Secretary will schedule a Workshop in order to allow the City Council to informally review items of interest that may be scheduled for formal presentation at future City Council meetings, or are strictly informational in nature.

B) The City Council may not take formal action on items presented at the Workshop.

### 3.5.1.9 Special Meetings

A) Special meetings may be called at any time by the Mayor or by a majority of council members at a council meeting.

B) The City Secretary shall post notice thereof as provided by State law.

C) Special meetings may be held at any location in the City as long as such meetings are conducted in accordance with State law.

### 3.5.1.10 Emergency Meetings

A) In case of emergency or urgent public necessity, which shall be expressed in the notice of the meeting, an emergency meeting may be called by the Mayor or by two (2) or more council members.

B) Unless otherwise prohibited by law, it shall be sufficient if the notice is posted two hours before the meeting is convened.

C) Diligent effort to notify all Council members shall be made prior to the emergency meeting.

D) All emergency meetings shall comply with Texas Government Code, Section 551.045.

### 3.5.1.11 Adjourned Meetings

A) The City Council may adjourn any regular, adjourned regular, special or adjourned special meeting to a time and place specified in the order of adjournment pursuant to the provisions of the Texas Open Meetings Act. (Texas Government Code, Section 551)

### 3.5.1.12 Executive Sessions

A) The City Council may meet in Executive Session during any regular or special meeting, or anytime otherwise authorized by State law, to consider or hear any matter which is authorized by State law to be heard or considered in Executive Session.

1) The City Council may exclude from any such Executive Session any person or persons which it is authorized by State law to exclude from such

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sessions, unless otherwise prohibited in the Code of Regulations or other Ordinances of the City.

2) The general subject matter for consideration shall be expressed in an open meeting before such session is held.

### 3.5.1.13 Notice of Meetings

A) Notice of meetings and the agenda for all City Council meetings shall be posted by the City Secretary on the City's official bulletin board pursuant to the requirements of the Texas Open Meetings Act (Texas Government Code, Section 551), the City website and on the City Hall front door.

### 3.5.1.14 Quorum

A) A simple majority of the voting members of the meeting body shall constitute a quorum for any regular meeting.

B) A supermajority of the voting members of the meeting body shall constitute a quorum for any special, called or emergency meeting.

C) Three (3) Alderman of the five (5) voting Alderman of the City Council shall constitute a quorum to do business at a regular meeting.

D) An affirmative vote of a majority of those voting members present shall be necessary to adopt any ordinance or resolution, except as required by City Ordinance or State law.

### 3.5.1.15 Presiding Officer

A) The Mayor shall preside at all meetings of the Council.

B) The Presiding Officer may participate in the discussion of all matters coming before the City Council.

C) The Presiding Officer shall have the responsibility to preserve order at all City Council meetings, to enforce the rules of the City Council and to determine the order of business under the rules of the Council.

D) The Mayor shall also have the power to administer oaths.

### 3.5.1.16 Absence of Mayor

A) The Council shall elect from among the Alderman a Mayor Pro Tem who shall act as Mayor during the absence or disability of the Mayor.

B) When the Mayor and Mayor Pro Tem are absent from any meeting of the Council, the Alderman present shall choose an Alderman to act as Mayor Pro Tem and that person shall, for the duration of the meeting, have the powers of the Mayor.

### 3.5.1.17 Attendance By The Public

A) All meetings of the City Council shall be open and public in accordance with the terms of provisions of the Texas Open Meetings Act except the Executive Session or closed meetings allowed by State law.

B) Citizens and other visitors attending City Council meetings shall observe the same rules of propriety, decorum and good conduct applicable to members of the City Council.

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### 3.5.1.18 Minutes

- A) Minutes of City Council meetings will be kept by the City Secretary. Minutes will include final motions with votes.
- B) The minutes will reflect the names of public speakers.
- C) To ensure accuracy, the City Secretary will present a draft of the minutes to the Mayor and Council Members to review prior to the approval of the minutes.
- D) Any changes, corrections, deletions or rewording of the minutes by the Mayor or Council Members, shall be done in open session of the City Council.
- E) Minutes of meetings shall generally submitted to the City Council within two meetings for approval.

### 3.5.1.19 Recording of Meetings

- A) The City Secretary shall cause an audio recording to be made of each City Council meeting.
- B) The recordings of proceedings are maintained by the City Secretary for six (6) months after approval of the minutes by the City Council.

### 3.5.1.20 Order of Business

- A) City Council Workshops will be generally conducted in the following order, unless otherwise specified.
  - 1) Call to Order and Announce A Quorum Is Present
  - 2) Items of Interest
  - 3) Questions on Current Agenda
  - 4) Setting Future Meetings and Agendas
  - 5) Adjournment
  
- B) Regular, special or called City Council meetings will be generally conducted in the following order, unless otherwise specified.
  - 1) Call to Order and Announce A Quorum Is Present
  - 2) Items of Interest and Council Communications
  - 3) Consent Agenda and Approval of Minutes
  - 4) Public Recognition
  - 5) Citizens' Comments
  - 6) Public Hearings
  - 7) Items for Discussion
  - 8) Items for Consideration and Action
  - 9) Executive Session (As Needed)
  - 10) Setting Future Meetings and Agendas
  - 11) Adjournment
  
- C) An Executive Session may be held at any time during a meeting consistent with applicable State law.

### 3.5.1.21 Numbering, Indexing and Sponsors of Agenda Items

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- A) All items of any nature shall be numbered consecutively for purposes of consideration on the agenda.
- B) Each item placed on the agenda shall be followed by the name of the City Council Member or City Staff member sponsoring the item on the agenda. No items will be placed on an agenda without a sponsor.
- C) Upon passage, the City Secretary shall separately index all ordinances and resolutions.

### 3.5.1.22 Public Recognition

- A) All special presentations and announcements will be calendared and coordinated through the City Secretary.
- B) A period of time, not to exceed fifteen minutes, will be set aside for public recognition at each City Council meeting.

### 3.5.1.23 Consent Agenda

- A) The Consent Agenda shall contain routine, non-controversial items that require City Council action, but need little or no City Council deliberation.
- B) Agenda items removed from the Consent Agenda by the request of Council members or staff will be considered after approval of the entire Consent Agenda.

### 3.5.1.24 Items of Interest and Council Communications

- A) Members of the City Council have the opportunity to notify others of community events, functions and other activities.
- B) There will also be an opportunity to briefly comment on City Council business, City operations, projects and other items coming before the City Council.

### 3.5.1.25 Standard Adjournment

- A) The City Council establishes 9:00 p.m. as the hour of adjournment and will not continue beyond that time without a majority vote of the City Council.
- B) To assist in making the determination to continue an item under consideration, the City Council should find that discussion, deliberation and action, on the item could be concluded by 10:00 p.m.
- C) If agenda items remain after the 9:00 p.m. adjournment, a special meeting may be scheduled or the items deferred until the next regular meeting.
  - 1) Deferred items will appear first on the regular agenda of the next meeting.

### 3.5.1.26 Setting the Agenda

- A) Items which are requested for consideration for the agenda by a City Council Member or City Staff member shall be presented, in writing, to the City Secretary no later than one calendar week prior to the meeting to which the agenda applies.
- B) The City Secretary will deliver to the Mayor a proposed agenda no later than 6:00 pm on the seventh (7th) day prior to the meeting to which the agenda applies. For example in the case of a regular Tuesday meeting, this will be the Tuesday preceding the meeting.

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- C) The Mayor may, at his/her discretion, choose to add or remove an item, or items, from the proposed agenda.
- D) If the Mayor removes an item, the Mayor shall provide a written explanation of the reason for the removal to the City Secretary no later than 1:00 pm on the sixth (6th) day prior to the meeting to which the agenda applies. For example in the case of a regular Tuesday meeting, this will be the Wednesday preceding the meeting.
- 1) In the event that a written explanation of removal is not delivered to the City Secretary by the deadline above, the City Secretary shall make one attempt to contact the sponsor and ask if they wish to voluntarily remove the item.
  - 2) If the City Secretary can not reach the sponsor or the sponsor declines, the City Secretary shall not remove the item.
- E) The City Secretary shall distribute the list of all items removed by the Mayor and the explanation of removal to all City Council members no later than 6 pm on the sixth (6th) day prior to the meeting to which the agenda applies. For example in the case of a regular Tuesday meeting, this will be the Wednesday preceding the meeting.
- F) If prior to the posting of the agenda, the City Secretary receives two (2) or more independent Alderman requests to reinstate a removed item, the City Secretary will place the item on the agenda.
- 1) If the requests are received after the agenda is posted, the City Secretary will place the item on the next City Council Agenda.
  - 2) A reinstated agenda item will not be subject to the Mayor's right of removal.
- G) In the case where a holiday falls in the seven days prior to the meeting, items requiring delivery to the City Secretary shall be required to be delivered one (1) business day earlier than the deadlines set out above.
- H) At any time during any regular meeting, special meeting or workshop, a council member may make a motion to place an item on a future agenda.
- 1) If the motion receives a second and passes by a simple majority, the City Secretary shall place the item on the specified agenda.
  - 2) The City Secretary shall place the item on the agenda in a place and with the wording most consistent with the intent of the motion.
  - 3) An item placed on the agenda by motion and vote will not be subject to the Mayor's right of removal.
- I) The Mayor may add items to the agenda up to 1:00 pm on the last business day that the agenda may be posted. For example in the case of a regular Tuesday meeting, this will be the Thursday preceding the meeting.

### 3.5.1.27 Rules of Conduct

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A) These rules, consistent with the State Law and any applicable City ordinance, statute or other legal requirement, shall govern the proceedings of the City Council.

### 3.5.1.28 Authority of the Chair

A) Subject to appeal to the full City Council, the Mayor shall have the authority to prevent the misuse of motions, the abuse of any privilege, or the obstruction of the business of the City Council by ruling any such matter out of order.

1) In so ruling, the Mayor shall be courteous and fair and should presume that the moving party is acting in good faith.

2) Any member of the City Council may move to require enforcement of the rules, and the affirmative vote of a majority of the City Council shall require the presiding officer to act.

### 3.5.1.29 Mayor to Facilitate Council Meetings

A) In the role of facilitator, the Mayor will assist the City Council in focusing agenda discussions and deliberations.

### 3.5.1.30 Council Deliberation and Order of Speakers

A) The Mayor is delegated the responsibility to control the debate and the order of speakers.

B) Speakers will generally be called upon in the order of the request to speak.

C) A Council Member holding the floor may address a question to another Council Member and that Council Member may respond while the floor is still held by the Council Member asking the question.

D) A Council Member may opt not to answer a question while another Council Member has the floor.

E) Members of the City Council who wish to ask questions of the audience may do so, but only after first obtaining the floor.

F) Members of the audience should stand when responding to questions and first state their name and address.

### 3.5.1.31 Limit Deliberations to Item at Hand

A) Council members will limit their comments to the subject matter, time or motion being currently considered by the City Council.

### 3.5.1.32 Length of Council Comments

A) Council members will govern themselves as to the length of their comments or presentation.

B) As a courtesy, the Mayor will signal by hand to an Alderman who has been speaking for over five minutes.

1) This procedure is not meant to limit debate or to cut comments short, but rather to assist Aldermen in their efforts to communicate concisely.

### 3.5.1.33 Obtaining the Floor



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- A) Any Alderman wishing to speak must first obtain the floor by being recognized by the Mayor.
- B) The Mayor must recognize any Alderman who seeks the floor when appropriately entitled to do so.

### 3.5.1.34 Motions

- A) Motions may be made by any member of the City Council, including the presiding officer, provided that before the presiding officer offers a motion, the opportunity for making a motion should be offered to other members of the City Council.
- B) Any member of the City Council, other than the person offering the motion, may second a motion.

### 3.5.1.35 Procedures for Motions

- A) Before a motion can be considered or debated it must be seconded.
- B) A Council Member who wishes to make a motion should do so through a verbal statement of the motion.
- C) A Council Member who wishes to second a motion should do so through a verbal statement.
- D) Once the motion has been properly made and seconded, the Mayor shall open the matter for discussion offering the first opportunity to the moving party and, thereafter, to any Alderman properly recognized by the Mayor.
- E) Once the matter has been fully discussed and the Mayor calls for a vote, no further discussion will be allowed, provided, however, Council members may be allowed to explain their vote.

### 3.5.1.36 Procedural Motions

#### A) Motion to amend.

- 1) When a motion is on the floor and an amendment is offered, the amendment should be acted upon prior to acting on the main motion.
- 2) No motion of a subject different from that under consideration shall be admitted as an amendment.
- 3) A motion to amend an amendment shall be in order, but one to amend an amendment to an amendment shall not be in order.
- 4) Action shall be taken on the amended amendment prior to any other action to further amend the original motion.

#### B) Motion to continue.

- 1) A motion to continue will leave the motion in its present condition for consideration on a date and time certain.

#### C) Motion to table.

- 1) A motion to table will delay consideration of the item being discussed by the city council.

#### D) Motion to refer.

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1) A motion to refer forwards the item under consideration to the named group, committee, or board for further study.

E) Motion to lay on the table.

1) A motion to lay on the table allows the item to be temporarily set aside under discussion.

F) Motion to take from the table.

1) A motion to take from the table allows the matter to be discussed again and would only be used in conjunction with a motion to lay on the table at the same meeting.

G) Withdrawal of motion.

1) A withdrawal of motion indicates a motion may be withdrawn or modified by the council member who originally made the motion at any time prior to its passage.

2) If the motion is modified, the council member who seconded the motion may withdraw his/her second.

H) Motion for reconsideration.

1) A motion for reconsideration may be made at the same meeting or at the next succeeding meeting following a city council action, as long as the reconsideration request complies with the requirements of the Texas Open Meetings Act.

2) A motion for reconsideration may only be made by an Alderman who voted with the majority of the City Council on the action proposed to be reconsidered by the city council.

3) Any member of the City Council may second a motion for reconsideration.

### 3.5.1.37 Voting

A) Each Alderman shall cast a vote on each matter before the City Council on which they do not have a conflict of interest and which they are in attendance at the meeting at the time of the vote.

B) A vote by an Alderman shall be: for the motion or nomination; or against the motion or nomination; or abstention on the motion or nomination.

C) Some actions taken by the City Council require more than a simple majority vote for approval as may be required by either a City Ordinance, Code of Regulations or State statutes.

### 3.5.1.38 Abstention

A) Any Alderman who abstains from the vote shall state for the record the reason for the abstention.

B) If an Alderman abstains because of a conflict of interest, he/she is not counted as present for quorum purposes and is not deemed to be “voting” for purposes of determining whether there has been a “majority vote of those voting and present.”

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### 3.5.1.39 Tie Votes

- A) If a tie vote results, the Mayor shall cast the deciding vote.
- B) If the Mayor abstains or is not present then the motion fails.
  - 1) If there is not an affirmative vote, the result is no action.
  - 2) If the matter involves an appeal and an affirmative vote does not occur, the decision appealed stands as decided by the decision-making person or body from which the appeal was taken.

### 3.5.1.40 Non-Observance of Rules

- A) Rules adopted to expedite and facilitate the transaction of the business of the City Council in an orderly fashion shall be deemed to be procedural only, and the failure to strictly observe any such rules shall not affect the jurisdiction of, or invalidate any action taken by, the City Council.

### 3.5.1.41 Conflict of Interest

- A) When a Conflict of Interest exists for a City Council Member, the member must notify the City Council and members of the audience of the conflict.
- B) The Council member shall immediately thereafter remove themselves from the City Council meeting and not return until such time as the item has been completed.
- C) The Council Member must comply with all state laws regarding conflicts of interest.
- D) The Council Member shall not give orders, directives, attempt to influence or discuss with any staff members any subject which may be related to a matter for which they have a conflict of interest.

### 3.5.1.42 Public Hearings

- A) The City Council procedure for the conduct of Public Hearings is generally as follows:
  - 1) Staff presents its report.
  - 2) Council members may ask questions of staff.
  - 3) The applicant or appellant has the opportunity to present comments, testimony, or arguments.
    - a) In the case of an appeal when the appellant is different from the applicant, the appellant should be called upon first to provide comments or testimony.
    - b) The applicant or appellant shall have a total of fifteen minutes for a presentation when recognized by the Mayor or presiding officer.
    - c) The initial comments or presentation shall be limited to ten minutes and the rebuttal or concluding comments shall be limited to five minutes.
  - 4) Council members may ask questions of the applicant and appellant.
  - 5) The Mayor opens the Public Hearing for public comment.

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- 6) Members of the public are provided with the opportunity to make comments.
- 7) The applicant and appellant are given an opportunity for rebuttal or concluding comments.
  - a) In the case of an appeal when the appellant is different from the applicant, both are given the opportunity for closing comments
- 8) The Public Hearing is closed.
- 9) The City Council deliberates the issue.
- 10) If the City Council raises new issues through deliberation and seeks to take additional public testimony, the Public Hearing must be reopened.
  - a) At the conclusion of the public testimony, the Public Hearing is again closed.
  
- 11) The City Council finishes deliberations and takes action.
- 12) The Mayor announces the final decision of the City Council.
  
- B) Any Public Hearing being held, noticed or ordered to be held by the City Council may, by order, notice or motion, be continued to any subsequent meeting.
- C) When a matter for Public Hearing comes before the City Council, the Mayor will open the Public Hearing.
  - 1) Upon opening the Public Hearing and before any motion is adopted related to the merits of the issue to be heard, the Mayor shall inquire if there is anyone present who desires to speak on the matter which is to be heard or to present evidence regarding the matter.
- D) Any person wishing to make a presentation at a Public Hearing scheduled on the agenda shall complete a Public Meeting Appearance Card prior to the matter being reached, and present it to the City Secretary.
  - 1) Upon being recognized by the Mayor, the person may speak or present evidence relevant to the matter being heard.
  - 2) No person may speak without first being recognized by the Mayor.
  - 3) All persons wishing to speak on the matter shall be limited to three minutes each and there shall be a cumulative limit of sixty minutes for all those speaking in favor of an item and a like limit for those speaking in opposition.
  
- E) The Mayor, with the concurrence of the City Council, may alter any of the enumerated time allocations based on the complexity of the item and the number of persons wishing to speak on the item.
- F) Members of the City Council who wish to ask questions of the speakers or each other during the Public Hearing portion may do so, but only after first being recognized by the Mayor.
  - 1) Interaction with the speaker shall be limited to a question or questions, rather than an ongoing dialogue.
  
- G) During the Public Hearing, no person will be permitted to speak about matters or present evidence which is not germane to the matter being considered.

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1) A determination of relevance shall be made by the Mayor, but may be appealed to the full City Council.

H) Written communications and petitions concerning the subject matter of the hearing will be noted, read aloud, or summarized by the Mayor. A reading in full shall take place if requested by any member of the City Council.

### 3.5.1.43 Materials for Public Record

A) All persons interested in the matter being heard by the City Council shall be entitled to submit written evidence or remarks, as well as other graphic evidence.

B) All such evidence presented will be retained by the City Secretary's Office as part of the record of the meeting, in accordance with the requirements of State Law.

### 3.5.1.44 Staff Presentations

A) Staff presentations will be concise and will provide factual background information on the item as well as a recommendation for the City Council.

### 3.5.1.45 Oral Presentations by Members of the Public

A) The following procedures will guide oral presentations by members of the public at City Council meetings:

- 1) Prior to the meeting or during the meeting prior to a matter being reached, persons wishing to address the City Council should complete a Public Meeting Appearance Card and present it to the City Secretary.
- 2) When called upon, the person should stand, state his/her name and address for the record, and, if speaking for an organization or other group, identify the group represented.
- 3) All remarks should be addressed to the City Council as a whole, not to individual members.
- 4) Questions, if any, should be directed to the presiding officer who will determine whether, or in what manner, an answer will be provided.

### 3.5.4.46 Citizens' Comments

A) This portion of the City Council meeting is set aside for members of the public to address the City Council on any item of business that is not formally scheduled on the agenda or scheduled as a Public Hearing and for which they have not notified any member of the City Council or City Staff of the item.

B) Citizens' Comments are generally permitted as specified on the agenda. Presentations shall be limited to three minutes each, but may be extended for an additional two minutes with approval of the Mayor, with the concurrence of the City Council.

C) Presentations under Citizens' Comments are limited to items within the subject matter jurisdiction of the City.

D) In compliance with the Texas Open Meetings Act, the City Council may not deliberate or vote on any matter raised in Citizens' Comments, except for the purpose of determining whether such matter should be placed on a future City Council agenda.

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1) The Mayor, however, may request the City Staff to provide additional information on a matter of general interest to the full City Council, the public at large and to the citizen making the comment.

### 3.5.1.47 PowerPoint Presentations

A) Members of the public may present a PowerPoint software presentation to the City Council utilizing their own equipment.

B) All PowerPoint presentations must comply with applicable time limits for oral presentations and cumulative time limits. Presentations should be planned with flexibility to adjust to any changes in these time limits.

C) All PowerPoint presentations must be submitted to the City Secretary, or appropriate staff, on appropriate electronic media, already formatted in PowerPoint no later than noon on the day of the City Council meeting.

D) In addition to any electronic format a member of the public shall provide a printed hard copy of the PowerPoint presentation.

### 3.5.1.48 Public Meeting Appearance Cards

A) Public Meeting Appearance Cards may be used by members of the public who do not wish to or cannot verbally address the City Council during a meeting. A person may indicate his/her comments and support or opposition for an agenda item on a Public Meeting Appearance Card.

B) During the public testimony regarding the item, the Mayor will indicate that the City Council has received written comments from (name of persons) in support of the project or issue and from (name of persons) in opposition.

C) The minutes will reflect the City Council's receipt of written comments in support or opposition of the project or issue.

### 3.5.1.49 Repetitious Comments Prohibited

A) A speaker shall not present the same or substantially the same items or arguments to the Council repeatedly or be repetitious in presenting their oral comments.

B) Nothing in the foregoing precludes submission of comments to the City Council in writing, for such action or non-action as the Council, in its discretion, may deem appropriate.

C) In order to expedite matters and to avoid repetitious presentations, the designation of a spokesperson is encouraged.

1) Whenever any group of individuals wishes to address the Council on the same subject matter, those individuals are encouraged to designate a spokesperson to address the City Council.

2) With the consent of the City Council, the Mayor may extend the time allocation for a designated spokesperson.

### 3.5.1.50 Waiver of Rules

A) Any of the foregoing procedural rules may be waived or suspended by a majority vote of the Council members present when it is deemed that there is good cause to do so, based upon the particular facts and circumstances involved.

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### 3.5.1.51 Non-Exclusive Rules

A) The rules set forth are not exclusive and do not limit the inherent power and general legal authority of the City Council, or of its presiding officer, to govern the conduct of City Council meetings as may be considered appropriate from time to time, or in particular circumstances, for purposes of orderly and effective conduct of the affairs of the City.

### 3.5.1.52 Mail

A) All letters or correspondence addressed to any member of the Legislative Branch of the City of Lavon shall be directed to the City Secretary.

1) The City Secretary shall open, date stamp and distributed all mail to individual members of the Legislative Branch of the City of Lavon.

B) All letters addressed to the Mayor or an Alderman requiring an official City response shall be copied to all Council members.

1) Unless the item is placed on the City Council agenda for a response, the City Secretary shall prepare the written response.

2) A copy of the response and a copy of the original letter will be provided to each Council Member and the City Manager.

C) Letters addressed to the Mayor and an Alderman that do not require a response but provide information on City Council agenda items or like matters shall be copied to each Council Member and the City Manager.

D) All letters addressed to individual Council members shall be copied to the named Council member.

1) The City Secretary shall retain the original letter for open records purposes.

2) The Mayor and each Alderman shall provide the City Secretary a copy of each correspondence they receive directly for open records purposes.

3) The Mayor and each Alderman shall provide the City Secretary a copy of each correspondence they write for open records purposes.

E) All letters addressed to a board, commission, committee or any member thereof, requiring an official City response shall be copied to the full board, commission, committee and all Council members.

1) Unless the item is placed on the board, commission, committee or City Council agenda for a response, the City Secretary shall prepare the written response.

2) A copy of the response and a copy of the original letter will be provided to the board, commission, committee, each Council Member and the City Manager.

F) Letters addressed a board, commission, committee or any member thereof, that do not require a response but provide information on the board, commission or

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## Title 3 – Administration

committee agenda items or like matters shall be copied to each board, commission or committee member and the City Manager.

G) All letters addressed to individual board, commission or committee members shall be copied to the named member.

1) The City Secretary shall retain the original letter for open records purposes.

2) Each board, commission or committee member shall provide the City Secretary a copy of each correspondence they receive directly for open records purposes.

3) Each board, commission or committee member shall provide the City Secretary a copy of each correspondence they write for open records purposes.

### 3.5.1.53 City Council Correspondence

A) All Council Member correspondence prepared with City resources (letterhead, typing, staff support, postage, etc.) will reflect the position of the full City Council, not individual Council Member's positions.

1) The provisions of this section expressly include any correspondence described in section 3.5.1.51 Mail.

B) City Council members will provide their own individual stationery, envelopes, postage etc to use for official communications reflecting their individual position as a Council Member.

1) The correspondence shall indicate it reflects the opinion of the author and is not an official correspondence of the City of Lavon.

2) The Mayor and each Alderman shall provide the City Secretary a copy of each correspondence they receive directly for open records purposes.

3) The Mayor and each Alderman shall provide the City Secretary a copy of each correspondence they write for open records purposes.

C) The City Secretary's Office will coordinate the typing of correspondence requested by individual Council members.

1) All correspondence typed for Council members will be on City letterhead and will reflect the position of the full City Council and will be copied to the full City Council.

### 3.5.1.54 Board, Commission or Committee Correspondence

A) All board, commission or committee correspondence prepared with City resources (letterhead, typing, staff support, postage, etc.) will reflect the position of the full board, commission or committee, not individual member's positions.

1) The provisions of this section expressly include any correspondence described in section 3.5.1.51 Mail.

B) All board, commission or committee members will provide their own individual stationery, envelopes, postage etc to use for official communications reflecting their individual position as a board, commission or committee member.



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- 1) The correspondence shall indicate it reflects the opinion of the author and is not an official correspondence of the City of Lavon.
- 2) The board, commission or committee member shall provide the City Secretary a copy of each correspondence they receive directly for open records purposes.
- 3) The board, commission or committee member shall provide the City Secretary a copy of each correspondence they write for open records purposes.

C) The City Secretary's Office will coordinate the typing of correspondence requested by individual board, commission or committee members.

- 1) All correspondence typed for board, commission or committee members will be on City letterhead and will reflect the position of the full board, commission or committee and will be copied to the full board, commission or committee and the City Council.

### 3.5.1.55 Master Calendar

- A) A master calendar of City Council events, functions or meetings will be maintained by the City Secretary's Office and provided to the full City Council.
- B) Functions, events or meetings to be attended by individual Council members will only be included on the master calendar at the request of individual Council members.

### 3.5.1.56 Requests For Research or Information

- A) The City Secretary serves as the support staff for the Legislative Branch of the City of Lavon as such all requests for information or research from Council Members or other members of the Legislative Branch shall be made to the City Secretary.
- B) Requests for policy direction will be brought to the full City Council at a regular meeting for consideration.
- C) All written products will be copied to the full City Council, board, commission or committee who's member made the request.
- D) The City Secretary will determine if extensive time and resources are required to accomplish the request. If so, at his/her discretion, the City Secretary may present that request to the full City Council prior to proceeding.
- E) The City Secretary may seek assistance from the City Attorney, City Manager or Municipal Judge.
- F) At their discretion, the City Manager may provide information to individual members of the Legislative Branch or assist individual members of the Legislative Branch with projects.
  - 1) Due to the often preliminary and changing nature of such projects, the City Manager will not be required to distribute the information to all members, however nothing in this section will prohibit them from distributing information to any person they deem appropriate.

### 3.5.1.57 City Council Notification of Significant Incidents

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A) In conjunction with the City's public safety departments, the City Manager's Office will coordinate the notification to the City Council of major disasters or incidents.

B) This will be accomplished by email or by leaving a message at the phone number available to the City Manager for the Council Member.

### 3.5.1.58 Directives and Orders of the Governing Body to Staff Members

A) It is imperative to the smooth function of the City that all orders and directives, from the Mayor or Alderman, be clear, concise, understandable and achievable. As such, all directives or orders, from the Mayor or Alderman, to staff members shall be given to the supervising municipal officer, either the City Secretary or the City Manager.

B) All Directives and Orders of the governing body to Municipal Officers or employees shall first be placed on the agenda for consideration and action.

1) No Directive or Order shall be issued that has not first received an affirmative vote of a majority of the voting members of the City Council in attendance at the meeting for which the Directive or Order was deliberated.

C) All such Directives or Orders shall be: in writing; on City letterhead; be clearly marked as a directive or order; list the date the item was placed on the agenda; list the actual wording of the agenda item; list the actual wording of the motion; list who made the motion and seconded it; list the actual vote; and be signed by the presiding officer.

D) The City Secretary or the City Manager shall distribute the directive or order to the affected staff member through the chain of command and to each City Council Member.

E) In the case of a declared emergency, the requirements set forth in this section may be delayed until the emergency has abated.

F) Any directive or order from the Mayor or Alderman that does not comply with this section shall be considered a request.

G) A directive or order shall be defined as any direction given to an employee that could, if not performed, result in disciplinary action.

H) All requests not constituting a directive or order shall be given to the supervising Municipal Officer in writing.

I) No board, commission, committee or their members may issue a Directive or Order to any Municipal Officer or staff employee of the City.

### 3.5.1.59 Boards, Commissions and Committees

A) The responsibilities and constraints contained in Chapter 1 – Legislative Branch Rules of Order and Procedure shall also apply to all members of the Legislative Branch of the City of Lavon at all times.

1) The terms Mayor, Mayor Pro Tem and Alderman shall be interchangeable with Chair, Vice Chair and Commissioner, or President, Vice President and member where applicable.

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2) Privileges afforded to the Mayor or Alderman shall not apply to members of subordinate boards, commissions or committees.

B) Members of Boards, Commissions and Committees that are established by or under the authority of the Legislative Branch of the City of Lavon are expected to attend meetings.

C) The presiding officer of a Board, Commission or Committee shall report any Member who fails to attend three (3) consecutive meetings of their Board, Commission or Committee or who is chronically absent from the meetings of their Board, Commission or Committee.

D) The written report of absence shall be provided to the City Secretary to be distributed to the City Council.

E) The presiding officer or a majority of members of a Board, Commission or Committee may by vote, request the City Council remove any member who fails to attend three (3) consecutive meetings of their Board, Commission or Committee or who is chronically absent from the meetings of their Board, Commission or Committee.

1) The report of absence shall be provided to the City Secretary to be distributed to the City Council.

2) In addition the City Secretary shall include on the next available agenda an item under “Consideration and Action” to remove the Board, Commission or Committee member.

### 3.5.1.60 Adherence to Procedures

A) During City Council discussions, deliberations and proceedings, the Mayor has been delegated the primary responsibility to ensure that the City Council, staff and members of the public adhere to the Council’s adopted procedures.

### 3.5.1.61 City Manager and City Attorney as Procedure Advisors

A) The City Manager and City Attorney shall assist the City Council as a resource and as an advisor for interpreting the City Council’s adopted rules and procedures.

### 3.5.1.62 Required Posting of all Ordinances, Resolutions, Orders or Directives.

A) Except in cases of emergency, prior to any discussion or action on the item, each Ordinance, Resolution, Order or Directive of the City Council must be:

1) Posted on the City web site for the same number of hours and in conjunction with the City Council Meeting Agenda Notice.

B) At each City Council Meeting where an Ordinance, Resolution, Order or Directive is to be discussed or considered, the City Secretary shall prepare no less than five (5) full copies of the item and distribute them randomly to the audience in attendance at the meeting; prior to the start of the meeting.

C) Any action taken on any Ordinance, Resolution, Order or Directive not in compliance with this Section shall render the action void able.

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D) Adopted amendments shall not require reposting.

Amended 5 July 2011 Ord. 2011-07-01

### Chapter 2 – Legislative Branch Ethics Review Board

#### 3.5.2.1 City of Lavon Ethics Review Board.

A) The Ethics Review Board shall consist of three members, one from each branch of the City as follow:

- 1) The Legislative Branch member and an alternate member shall be selected by the City Council and may be any member of the Legislative Branch.
- 2) The Legislative Branch member shall serve for a period of one (1) year. Each year thereafter the City Council shall reappoint the member and alternate or select new members to serve on the board.
- 3) In the case of a conflict for both the Legislative Member and the alternate, the City Council shall meet within one (1) week of being notified of the conflict to select a temporary member to serve.

B) The Executive branch member shall be the City Manager.

- 1) In the case of a conflict for the City Manager, the Executive branch department head with the most seniority that has no conflict shall serve as a temporary member.

C) The Judicial branch member shall be the Chief Justice.

- 1) In the case of a conflict for the Chief Justice, the Judicial branch department head with the most seniority that has no conflict shall serve as a temporary member.

D) The Judicial branch member shall serve as the presiding officer and shall be charged with orderly conduct of all hearings.

E) Except where otherwise designated herein, all decisions of the board shall be by simple majority and any vote of the board shall have at least two (2) affirmative votes to prevail.

#### 3.5.2.2 Authority of Ethics Review Board.

A) The City of Lavon Ethics Review Board shall have the discretionary power and authority to:

- 1) hold closed meetings for the purpose of reviewing all ethics complaints against elected or appointed members of the Legislative Branch of the City of Lavon; and
- 2) hold closed meetings for the purpose of investigating all ethics complaints against elected or appointed members of the Legislative Branch of the City of Lavon; and

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- 3) hold closed meetings for the purpose of conducting hearings into all ethics complaints against elected or appointed members of the Legislative Branch of the City of Lavon; and
- 4) compel the attendance as a witness any member of any branch of the Lavon City Government; and
- 5) render a judgment concerning an ethics complaints against elected or appointed members of the Legislative Branch of the City of Lavon; and
- 6) enforce a penalty against any elected or appointed members of the Legislative Branch of the City of Lavon which the Ethics Review Board has determined violated this ordinance.

### 3.5.2.3 Procedures for Handling Ethics Complaints.

- A) Any person wishing to make an ethics complaint against an elected or appointed member of the Legislative Branch of the City of Lavon shall submit a written complaint (on the appropriate form) to any member of the Ethics Review Board.
- B) Upon receiving a complaint, a member of the Ethics Review Board shall within one (1) week, notify the presiding officer to convene the Ethics Review Board to consider the complaint.
- C) The presiding officer shall convene a meeting of the Ethics Review Board within two (2) weeks of the initial complaint, to consider the complaint.
- D) At the initial meeting the Ethics Review Board may do any of the following:
  - 1) Close the complaint as unfounded.
  - 2) Designate one or more members to investigate the complaint.
  - 3) Refer the matter to a law enforcement agency for investigation of criminal acts.
  - 4) Set a hearing date to hear testimony on the complaint.
- E) If the Ethics Review Board takes any action other than referring the matter to a law enforcement agency, the board shall designate a member to prepare a notice of complaint for the Respondent (the elected or appointed member of the Legislative Branch of the City of Lavon that is the subject of the complaint.)
  - 1) The notice of Complainant shall include a copy of the original complaint and notice of any upcoming hearing dates.
  - 2) Under no circumstances shall the Ethics Review Board conduct an investigation or conduct a hearing until the notice of complaint has been delivered to the Respondent.
- F) After any investigation by a member of the board, the Ethics Review Board will meet to determine if a hearing is warranted.
  - 1) If the vote for a hearing fails, the presiding member shall enter a verdict of unfounded.
  - 2) If the vote for a hearing prevails, the presiding member shall set a date for the hearing.
  - 3) Any member of the board may issue an order of attendance to any member of any branch of the City of Lavon Government.

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### 3.5.2.4 Ethics Hearing.

- A) All ethics hearings shall be conducted in a closed meeting in front of the Ethics Review Board.
- B) The elected or appointed member of the Legislative Branch of the City of Lavon who is the subject of the complaint (also known as the Respondent) shall have the right:
  - 1) to be in attendance during any testimony; and
  - 2) to present witnesses on their behalf; and
  - 3) to question witnesses against them; and
  - 4) to present evidence.
- C) Neither the Respondent nor the Complainant shall be allowed to be present during any deliberations of the Ethics Review Board.
- D) The Complainant shall present their case to the Ethics Review Board first and shall be allowed to call witnesses in support of the complaint.
- E) The Respondent shall present their defense after the conclusion of the case by the Complainant.
- F) Each party will have an opportunity to present rebuttal witnesses.
- G) As the proceedings are strictly administrative, neither party will be allowed to have the assistance of an attorney.
- H) The members of the Ethics Review Board shall have full discretion in applying their personal experience and knowledge to determine what weight should be given to each item of testimony and evidence.
- I) After the Ethics Review Board hears all testimony and reviews all evidence presented at the hearing, the board shall deliberate in a closed session, at which no other parties will be authorized to attend.
- J) All votes of the Ethics Review Board shall be cast in a closed session, at which no other parties will be authorized to attend.
- K) Reports or records of the votes shall only report the passage or failure of the vote and shall not report the actual vote.
- L) The members of the Ethics Review board may return any one of the following verdicts:
  - 1) The Respondent is found to have violated an established standard of ethics.
  - 2) The Respondent is found to have not violated an established standard of ethics.
  - 3) No determination is made as to the allegations against the Respondent.

### 3.5.2.5 Prohibited Acts.

- A) The following actions of an elected or appointed member of the Legislative Branch of the City of Lavon shall be considered dishonorable, unethical and a violation of this Chapter:
  - 1) Conviction of any criminal act of a class B misdemeanor or greater.
  - 2) Taking an action contrary to Texas Local Government Code.
  - 3) Taking an action contrary to Texas Government Code.

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- 4) Taking an action contrary to Texas Election Code.
- 5) Violating any City Ordinance.
- 6) Acting in conflict with a written contract or agreement of the City of Lavon.
- 7) Using or attempting to use their position as an elected or appointed member of the Legislative Branch of the City of Lavon for personal gain.
- 8) Using or attempting to use political pressure on an employee of the City of Lavon for the purpose of influencing the actions of the employee, except as a part of the governing body in a called meeting.
- 9) Offering, suggesting, giving, implying or promising special benefit or detriment for the action or inaction of an employee of the City of Lavon for the purpose of influencing the actions of the employee, except as a part of the governing body in a called meeting.
- 10) Interfering with the duties of an employee of the City of Lavon for the purpose of influencing the actions of the employee, except as a part of the governing body in a called meeting.
- 11) Any other action which exceeds their authority as an elected or appointed member of the Legislative Branch of the City of Lavon.
- 12) Violating a generally accepted ethical standard.
- 13) Refusal to comply with an order of attendance, issued by any member of the Ethics Review Board, to appear and give witness at a hearing of the Board.

### 3.5.2.6 Conflict for Ethics Review Board Members.

- A) A conflict for an Ethics Review Board Member shall be defined as:
- 1) The Board member is named as the subject of the complaint.
  - 2) The Board Member is the Complainant.
  - 3) The Board Member believes they can not give an unbiased verdict.
  - 4) The board member was: previously found to have violated this ordinance; and the Complainant was a witness or Complainant against the board member; and the Complainant requests in writing that the board member recues themselves at least one (1) week prior to the hearing.
  - 5) The board member was: previously found to have violated this ordinance; and the Respondent was a witness or Complainant against the board member; and the Respondent requests in writing that the board member recues them self at least one (1) week prior to the hearing.

### 3.5.2.7 Penalties.

- A) On a finding by the Ethics Review Board that an elected or appointed member of the Legislative Branch of the City of Lavon has violated 3.5.2.5 Prohibited Acts, the presiding member shall prepare a letter containing the finding. The Letter shall be presented to:
- 1) The City Secretary, whom shall place it in the permanent personnel record of the Respondent; and
  - 2) to each member of the City Council; and
  - 3) the Respondent.

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B) On receipt of the letter, the City Council shall place the matter on the agenda for consideration and action to vote to direct the Respondent to cease and desist the action which was the subject of the complaint.

C) The City Council shall declare the Respondent to have a conflict of interest as it applies to any personnel action involving the Complainant and witnesses against the Respondent for a period of one (1) year.

### Chapter 3 – Use of Electronic Media Devices by the Legislative Branch Members

#### 3.5.3.1 Outgoing City Related Emails

A) Every email created by a member of the Legislative Branch of the City of Lavon, that contains information related to any past, present, future or potential business of the City of Lavon in any possible way shall be sent via a City owned and authorized email account.

B) No member of the Legislative Branch may direct another person to create or send an email that contains information related to any past, present, future or potential business of the City of Lavon in any possible way, via any email account not owned by the City and authorized to that user.

Amended 15 June 2010 Ord. 2010-06-02

#### 3.5.3.2 Outgoing City Related Documents and Files Transmitted by Email

A) Every City related document or file transmitted via email by a member of the Legislative Branch of the City of Lavon, that contains information related to any past, present, future or potential business of the City of Lavon in any possible way shall be sent on a City owned and authorized email account.

B) No member of the Legislative Branch may direct another person to transmit a City related document or file by email, that contains information related to any past, present, future or potential business of the City of Lavon in any possible way, from any email account not owned by the City and authorized to that user.

C) All Open Records Request shall be directed to the City Secretary's Office for an official response and no member of the Legislative Branch shall attempt to personally fulfill such requests.

Amended 15 June 2010 Ord. 2010-06-02

#### 3.5.3.3 Incoming City Related Emails

A) Every email received by a member of the Legislative Branch of the City of Lavon, that contains information related to any past, present, future or potential business of the City of Lavon in any possible way shall be received on a City owned and authorized email account.

Amended 15 June 2010 Ord. 2010-06-02



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### 3.5.3.4 Incoming City Related Documents and Files Transmitted by Email

A) Every City related document or file received via email by a member of the Legislative Branch of the City of Lavon, that contains information related to any past, present, future or potential business of the City of Lavon in any possible way shall be received on a City owned and authorized email account.

Amended 15 June 2010 Ord. 2010-06-02

### 3.5.3.5 Emails to be Forwarded to City Secretary

A) Unless an automatic capture system has been developed and deployed by the City, every email received by a member of the Legislative Branch of the City of Lavon via a City owned email account shall be forwarded, along with all attachments, to the City Secretary Records Email Account, for records retention purposes and inclusion in the City's records system – regardless of the content of the email.

B) Unless an automatic capture system has been developed and deployed by the City, every email transmitted by a member of the Legislative Branch of the City of Lavon via a City owned email account shall be forwarded, along with all attachments, to the City Secretary Records Email Account, for records retention purposes and inclusion in the City's records system – regardless of the content of the email.

C) The City Secretary shall maintain a separate email account and shall designate it as the Records Email Account.

Amended 15 June 2010 Ord. 2010-06-02

### 3.5.3.6 Accessing City Owned Email Accounts

A) Members of the Legislative Branch of the City of Lavon may access their City owned email accounts from any City owned Electronic Media Device they are assigned or authorized to use.

B) Members of the Legislative Branch of the City of Lavon may not access their City owned email accounts from Electronic Media Device other than a City owned Electronic Media Device unless they:

- 1) are authorized to use the non City owned Electronic Media Device; and
- 2) they take every reasonable precaution to ensure the account information and password are kept confidential; and
- 3) they use a “web browser” to access the email account; and
- 4) all actions related to the emails and attachments are conducted in a “web browser”; and
- 5) except as is authorized in this chapter, no information whatsoever is stored or saved to any device, hard drive, external drive, cloud drive, thumb drive, virtual drive or any other electronic media storage device; and
- 6) they comply with all other Sections and Paragraphs in this Chapter.

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Amended 15 June 2010 Ord. 2010-06-02

### 3.5.3.7 Creation and Editing of City Related Documents and Files

A) Unless authorized by another section in this Chapter, every City related document or file created or edited by a member of the Legislative Branch of the City of Lavon, that contains information related to any past, present, future or potential business of the City of Lavon in any possible way, shall be created or edited on a City owned Electronic Media Device.

Amended 15 June 2010 Ord. 2010-06-02

### 3.5.3.8 Documents and Files to be Forwarded to City Secretary

A) Members of the Legislative Branch of the City of Lavon who create or edit any City related document or file, that contains information related to any past, present, future or potential business of the City of Lavon in any possible way, shall either:

- 1) transmit via email the a the document or file to the City Secretary Records Email Account - for records retention purposes and inclusion in the City's records system; or
- 2) hand deliver a hard copy of the document or file to the City Secretary - for records retention purposes and inclusion in the City's records system; or
- 3) mail by US Postal Service the document or file, to the City Secretary - for records retention purposes and inclusion in the City's records system; or
- 4) save the document or file to the City's servers or data storage system at the time the document or file was created.

Amended 15 June 2010 Ord. 2010-06-02

### 3.5.3.9 Use of Personal or Business Electronic Media Devices

A) Except as authorized elsewhere in this Chapter, it shall be an infraction for any member of the Legislative Branch of the City of Lavon to use any personal Electronic Media Device, business Electronic Media Device, or any other Electronic Media Device not owned by the City to:

- 1) create or edit any document or file that contains information related to any past, present, future or potential business of the City of Lavon in any possible way.

Amended 15 June 2010 Ord. 2010-06-02

### 3.5.3.10 Use of Social Media Web Sites

A) The City hereby informs each member of the Legislative Branch of the City of Lavon that any comment or post that contains information related to any past, present, future or potential business of the City of Lavon in any possible way, made on a social media site by a member of the Legislative Branch of the City of

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Lavon who is subject to the Open Meetings Act, may under the right conditions be considered a walking quorum and be punishable as a violation of the Open Meetings Act.

Amended 15 June 2010 Ord. 2010-06-02

### 3.5.3.11 Use of Cell Phones to Receive Working Copies of Emails

A) Unless or until Texas Law or a Court of competent jurisdiction identifies the use of a personal cell phone to receive a working copy of an email as unlawful or falls under the restrictions of the Open Records Act, the City authorizes members to receive working copies of email forwarded to their personal cell phones to preview content received on their regular City owned email account if they comply with the following restrictions:

- 1) the email and attachments are used for viewing purposes only; and
- 2) the member takes the appropriate steps outlined in this chapter for the original email and attachments on the City owned email account.

Amended 15 June 2010 Ord. 2010-06-02

### 3.5.3.12 Use of Cell Phones to Send and Receive Text Messages

A) Unless or until Texas Law or a Court of competent jurisdiction identifies the use of a personal cell phone to send or receive a text message as unlawful or falls under the restrictions of the Open Records Act, the City takes the position that text messaging is an extension of verbal communications and as such the City does not restrict a members text messaging practices except as outlined below.

B) The following types of text messaging shall be unlawful:

- 1) Text messaging that would constitute a walking quorum had the conversation been verbal.
- 2) Text messaging that is equivalent to deliberations as defined in the Lavon Code of Regulations.
- 3) Any combination of verbal communication, written communication and text messaging that would, in combination qualify as a walking quorum or deliberations as defined in the Lavon Code of Regulations.
- 4) Any text message to any other member of the same Council, Board or Commission during a meeting of the Council, Board or Commission.

Amended 15 June 2010 Ord. 2010-06-02

### 3.5.3.13 Donated Electronic Media Devices

A) Any person, group, company, organization, or entity may donate to the City an Electronic Media Device for use by members of the Legislative Branch by delivering the Electronic Media Device to the City Secretary along with a letter of donation and transfer of ownership.

B) The person, group, company, organization, or entity may, subject to the limitations below, designate the specific person or group to utilize the Electronic

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Media Device by naming the intended recipient in the letter of donation and transfer of ownership.

- 1) If the intended recipient declines to use the Electronic Media Device, the device will be placed with another member of same Council, Board or Commission.
  - 2) If no other member of the same Council, Board or Commission requests to use the device within one (1) week, the Electronic Media Device will be made available to any member of the Legislative Branch.
- C) The City Secretary in consultation with the City Manager may decline any donation which is unserviceable for the intended purposes.
- D) The City Secretary in consultation with the City Manager may declare any Electronic Media Device unserviceable and remove it from service at any time.
- E) Any donated Electronic Media Device shall be returned to the City when the member of the Legislative Branch leaves the service of the City.
- F) Any Electronic Media Device donated to the Legislative Branch which is removed from service for any reason shall be handled and disposed of in the same manner as any Electronic Media Device owned by the City.

Amended 15 June 2010 Ord. 2010-06-02

### 3.5.3.14 Use of Assigned City Owned Electronic Media Devices by Members of the Legislative Branch

- A) Members of the Legislative Branch that are assigned City owned Electronic Media Devices shall:
- 1) primarily use the Electronic Media Device for City business; and
  - 2) any personal use of the Electronic Media Device shall be limited to ancillary or incidental use; and
  - 3) maintain the Electronic Media Device to the best of their abilities; and
  - 4) cooperate fully with any Open Records Request by immediately surrendering the Electronic Media Device to the City Secretary or the City Manager on their request; and
  - 5) cooperate fully with any Open Records Request by providing the City Secretary or City Manager with any and all passwords necessary to view all documents, files and data on the Electronic Media Device when the same is surrendered; and
  - 6) immediately report any failure, loss, damage or theft of the Electronic Media Device to the City Secretary.

Amended 15 June 2010 Ord. 2010-06-02

### 3.5.3.15 Hold Harmless Agreement Exemption

- A) Any member of the Legislative Branch who executes an approved “Hold Harmless Agreement” and complies with all of the conditions in this Section shall be exempt from Section 3.5.3.9 Use of Personal or Business Electronic Media

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### Devices and Section 3.5.3.7 Creation and Editing of City Related Documents and Files.

B) The “Hold Harmless Agreement” shall stipulate that the member of the Legislative Branch executing the agreement shall:

- 1) comply with all provisions of the Open Meeting Act; and
- 2) comply with all provisions of the Open Records Act; and
- 3) provide the City Secretary, in a timely manner, with a record copy of any document or file that contains information related to any past, present, future or potential business of the City of Lavon in any possible way; and
- 4) specify in the agreement the exact make and model of each Electronic Media Device on which they will be creating or editing any document or file that contains information related to any past, present, future or potential business of the City of Lavon in any possible way; and
- 5) hold the City and all employees of the City harmless for any records request, court action or lawsuit related to the members use of Electronic Media Devices; and
- 6) upon request of either the City Secretary or the City Manager, provide a sworn statement that they have surrender to the City Secretary all documents or files that contain information related to any past, present, future or potential business of the City of Lavon in any possible way; and
- 7) upon request of either the City Secretary or the City Manager, provide a sworn statement that they have surrender to the City either the hard drive of the Electronic Media Device or a mirror copy of the hard drive; and
- 8) upon request of the City Secretary, reimburse the City all monies expended by the City related to any records request for any record from or related to the member.

Amended 15 June 2010 Ord. 2010-06-02

### 3.5.3.16 Certain Documents, Files and Data Exempted

A) The following documents, files and data are exempt from the provisions of this chapter:

- 1) any document, file or data obtained by the member of the Legislative Branch through an Open Records Request; and
- 2) any document, file or data obtained by the member of the Legislative Branch from another government agency, company, entity or person not affiliated with the City of Lavon and which would not be considered a government record of the City of Lavon; and
- 3) any document, file or data obtained by the member of the Legislative Branch through public sources such as the City website, NCTCOG, the State of Texas or other similar sources; and
- 4) any unaltered document, file or data possessed by the member of the Legislative Branch which is a working copy and the original or record copy is in the custody of the City Secretary for the City of Lavon.

Amended 15 June 2010 Ord. 2010-06-02

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## Title 3 – Administration

### 3.5.3.17 Enforcement of this Chapter

A) In accordance with Local Government Code 22.042 the Mayor shall have the responsibility of enforcing the provisions of this Chapter by initiating an investigation by the City Marshal's Office.

1) In the event the Mayor is the subject of the complaint, the Mayor Pro Tem shall be responsible for enforcing the provisions of this Chapter.

B) The Mayor shall not initiate an investigation related to this Chapter except:

1) based on personal knowledge of the Mayor supported by an affidavit of complaint signed by the Mayor; or

2) based on an affidavit of complaint signed by another person alleging specific violations of this Chapter and setting out how the alleged information was obtained.

C) The Mayor shall initiate an investigation by providing the City Marshal with a letter requesting the investigation and a signed affidavit of complaint alleging a violation of this Chapter.

D) The City Marshal's Office shall be responsible investigating allegations of violations of this Chapter.

1) The City Marshal may close a case related to alleged violations of this Chapter when he believes it is the best interest of Justice or the City.

2) Because violation of this Chapter is a civil infraction and the threshold of proof in a civil matter is by a preponderance of the evidence, the City Marshal's Office report to the Mayor may be limited to whether supporting information was discovered.

3) The City Marshal's Office may forward any or all documents to any other person or agency as deemed appropriate by the City Marshal.

E) When the City Marshal believes there is sufficient information to pursue a case related to the alleged violation or when a member of the Legislative Branch refuses to cooperate with the City Marshal's Investigation, the City Marshal shall notify the Mayor of his findings and recommend the Mayor pursue a case with the City Prosecuting Attorney.

F) On receipt of a written request of the Mayor and supporting documents from the City Marshal, the City Prosecuting Attorney or the City Civil Attorney shall initiate a case in the Lavon Municipal Court or another Court of proper jurisdiction.

G) Any person who is the subject of an investigation or proceedings may resolve the matter by confirming the allegations and paying the appropriate fees.

Amended 15 June 2010 Ord. 2010-06-02

### 3.5.3.18 Fees Related to Electronic Media Device Use Violations

A) It shall be considered a civil infraction for any member of the Legislative Branch to violate any Section or Paragraph contained in this Chapter.

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## Title 3 – Administration

B) On a first infraction, any member of the Legislative Branch who violates any Section or Paragraph contained in this Chapter shall be guilty of an infraction and pay a fee of twenty five dollars (\$25.00) plus any legal fees and court related costs.

C) On a second infraction, any member of the Legislative Branch who violates any Section or Paragraph contained in this Chapter shall be guilty of an infraction and pay a fee of fifty dollars (\$50.00) plus any legal fees and court related costs.

D) On a third or subsequent infraction, any member of the Legislative Branch who violates any Section or Paragraph contained in this Chapter shall be guilty of an infraction and pay a fee of one hundred dollars (\$100.00) plus any legal fees and court related costs.

Amended 15 June 2010 Ord. 2010-06-02

## Subtitle 6 – Actions of the City Council

### Chapter 1 – Ordinances

#### 3.6.1.1 Bill of Ordinance

A) A Bill of Ordinance shall be the form in which a proposed Ordinance is brought before the City Council for consideration and action.

B) Each Bill of Ordinance shall be written in the same format as an Ordinance.

1) The Bill shall include the name of all sponsors on the final page.

2) Each Bill of Ordinance shall be marked with the words “BILL” on each page.

C) Each Bill of Ordinance shall contain the following:

1) The jurisdictional authority “City of Lavon, Collin County, Texas”; followed by

2) the words “Ordinance: “ and a space to place the number; followed by

3) the short title of the ordinance; followed by

4) the long title or summary of the ordinance; followed by

5) the foundational considerations each preceded by the words “Whereas,” followed by;

6) the words “Now therefore be it Ordained by the City Council of the City of Lavon:”; followed by

7) the body of the ordinance; followed by

8) a declaration of the effective date; followed by

9) the words “passed and approved by the City Council of the City of Lavon, Collin County, Texas on this” and a space for the date; followed by

10) a signature line for the presiding officer; followed by

11) a signature line for the City Secretary; followed by

12) the names of each sponsor.

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### 3.6.1.2 Submission of Bill of Ordinance

A) The Mayor, any Alderman or any Municipal Officer may sponsor a Bill of Ordinance.

1) A Bill of Ordinance may have multiple sponsors.

B) The primary sponsor of the Bill of Ordinance shall notify the City Secretary of an agenda item as is required in Subtitle 5 of this Title.

C) The wording for consideration of any Bill of Ordinance shall be substantially similar to: “City Council to consider and act on a Bill adopting the Ordinance”, followed by the short title of the Bill of Ordinance.

D) Prior to noon on the day designated as the posting date for the agenda, the primary sponsor of each Bill of Ordinance shall deliver to the City Secretary an original copy to be distributed with the City Council Packets.

1) The City Secretary shall ensure a copy of the agenda and Bill of Ordinance is delivered to:

- a) the Mayor, in their City Council Packet; and
- b) each Alderman in their City Council Packets; and
- c) the City Manager in their City Council Packet; and
- d) each affected Municipal officer; and
- e) each affected Department Head.

### 3.6.1.3 Deliberations on each Bill of Ordinance

A) When a Bill of Ordinance appears on the agenda for consideration and action, the presiding officer shall call for deliberations or discussions on the Bill of Ordinances when the item is reached on the agenda.

B) Each change to the Bill of Ordinance shall be done by an amendment process.

- 1) Each change to the Bill of Ordinance shall be done by separate amendment; and
- 2) each amendment shall be done by motion and vote; and
- 3) the wording for a motion to amend any Bill of Ordinance shall be substantially similar to: “I move to amend the Bill by” followed by a statement of the exact changes.

### 3.6.1.4 Change or Withdrawal of Sponsorship

A) At any time prior to the adoption of a Bill of Ordinance as an approved Ordinance, any sponsor may withdraw from sponsorship of the Bill of Ordinance.

- 1) The effect of withdrawal shall be that the name of the withdrawn sponsor shall not appear on any future drafts of the Bill of Ordinance or on the final adopted Ordinance as a sponsor.
- 2) The withdrawal may be by written notice to the City Secretary or by declaration on the record during a City Council meeting at a time the Bill of Ordinance is being deliberated.

B) At any time prior to the adoption of a Bill of Ordinance as an approved Ordinance, any sponsor may join the sponsorship of the Bill of Ordinance.



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- 1) The effect of joining the sponsorship shall be that the name of the new sponsor shall appear on any future drafts of the Bill of Ordinance and on the final adopted Ordinance as a sponsor.
- 2) The joining of sponsorship may be by written notice to the City Secretary or by declaration on the record during a City Council meeting at a time the Bill of Ordinance is being deliberated.

C) If at any time during the deliberations, all sponsors withdraw from sponsorship and no others join, the Bill of Ordinance shall be considered unsponsored.

- 1) The presiding officer shall immediately call for a motion to continue consideration of the unsponsored Bill of Ordinance.
- 2) If there is no motion or the motion fails, the presiding officer shall call for a motion to table the Bill of Ordinance until it is again sponsored.
- 3) In the event a sponsor is named after the Bill of Ordinance was tabled, the Bill of Ordinance may be removed from the table in accordance with the rules in Subtitle 5 of this Title.

### 3.6.1.5 Record of Amendments

- A) In addition to the record of minutes and the audio recording, the City Secretary shall keep a record of each amendment to each Bill of Ordinance and attach it to the Bill of Ordinance.
- B) Unless otherwise specified by law, this record, including each draft of the Bill of Ordinance submitted for consideration shall be maintained by the City Secretary for a period of five (5) years from the date of last action on the Bill of Ordinance.
- C) The City Secretary shall not include any amendments that failed.
- D) The City Secretary shall not include any changes that were made except by the proper amendment process.
- E) Prior to the presiding officer and the City Secretary signing the final Ordinance into law, the City Secretary shall ensure that all approved amendments are including in the written copy of the Ordinance.

### 3.6.1.6 Final Passage of an Ordinance

- A) The wording for a motion to approve an unamended Bill of Ordinance as a final Ordinance shall be substantially similar to: “I move to approve the Ordinance” short title of ordinance “as written and submitted.”
- B) The wording for a motion to approve an amended Bill of Ordinance as a final Ordinance shall be substantially similar to: “I move to approve the Ordinance” short title of ordinance “as amended.”

## Chapter 2 – Resolutions

### 3.6.2.1 Bill of Resolution

- A) A Bill of Resolution shall be the form in which a proposed Resolution is brought before the City Council for consideration and action.

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## Title 3 – Administration

- B) Each Bill of Resolution shall be written in the same format as a Resolution.
- 1) The Bill shall include the name of all sponsors on the final page.
  - 2) Each Bill of Resolution shall be marked with the words “BILL” on each page.
- C) Each Bill of Resolution shall contain the following:
- 1) The jurisdictional authority “City of Lavon, Collin County Texas”; followed by
  - 2) the words “Resolution: “ and a space to place the number; followed by
  - 3) the short title of the Resolution; followed by
  - 4) the long title or summary of the of Resolution; followed by
  - 5) the foundational considerations each preceded by the words “Whereas,”; followed by
  - 6) the words “Now therefore be it Resolved by the City Council of the City of Lavon:”; followed by
  - 7) the body of the Resolution; followed by
  - 8) a declaration of the effective date; followed by
  - 9) the words “passed and approved by the City Council of the City of Lavon, Collin County, Texas on this” and a space for the date; followed by
  - 10) a signature line for the presiding officer; followed by
  - 11) a signature line for the City Secretary; followed by
  - 12) the names of each sponsor.

### 3.6.2.2 Submission of Bill of Resolution

- A) The Mayor, any Alderman or any Municipal Officer may sponsor a Bill of Resolution.
- 1) A Bill of Resolution may have multiple sponsors.
- B) The primary sponsor of the Bill of Resolution shall notify the City Secretary of an agenda item as is required in Subtitle 5 of this Title.
- C) The wording for consideration of any Bill of Resolution shall be substantially similar to: “City Council to consider and act on a Bill adopting the Resolution”, followed by the short title of the Bill of Resolution.
- D) Prior to noon on the day designated as the posting date for the agenda, the primary sponsor of each Bill of Resolution shall deliver to the City Secretary an original copy to be distributed with the City Council Packets.
- 1) The City Secretary shall ensure a copy of the agenda and Bill of Resolution is delivered to:
    - a) the Mayor, in their City Council Packet; and
    - b) each Alderman in their City Council Packets; and
    - c) the City Manager in their City Council Packet; and
    - d) each affected Municipal officer; and
    - e) each affected Department Head.

### 3.6.2.3 Deliberations on each Bill of Resolution

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- A) When a Bill of Resolution appears on the agenda for consideration and action, the presiding officer shall call for deliberations or discussions on the Bill of Resolution when the item is reached on the agenda.
- B) Each change to the Bill of Resolution shall be done by an amendment process.
  - 1) Each change to the Bill of Resolution shall be done by separate amendment; and
  - 2) each amendment shall be done by motion and vote; and
  - 3) the wording for a motion to amend any Bill of Resolution shall be substantially similar to: “I move to amend the Bill by” followed by a statement of exact changes.

### 3.6.2.4 Change or Withdrawal of Sponsorship

- A) At any time prior to the adoption of a Bill of Resolution as an approved Resolution, any sponsor may withdraw from sponsorship of the Bill of Resolution.
  - 1) The effect of withdrawal shall be that the name of the withdrawn sponsor shall not appear on any future drafts of the Bill of Resolution or on the final adopted Resolution as a sponsor.
  - 2) The withdrawal may be by written notice to the City Secretary or by declaration on the record during a City Council meeting at a time the Bill of Resolution is being deliberated.
- B) At any time prior to the adoption of a Bill of Resolution as an approved Resolution, any sponsor may join the sponsorship of the Bill of Resolution.
  - 1) The effect of joining the sponsorship shall be that the name of the new sponsor shall appear on any future drafts of the Bill of Resolution and on the final adopted Resolution as a sponsor.
  - 2) The joining of sponsorship may be by written notice to the City Secretary or by declaration on the record during a City Council meeting at a time the Bill of Resolution is being deliberated.
- C) If at any time during the deliberations, all sponsors withdraw from sponsorship and no others join, the Bill of Resolution shall be considered unsponsored.
  - 1) The presiding officer shall immediately call for a motion to continue consideration of the unsponsored Bill of Resolution.
  - 2) If there is no motion or the motion fails, the presiding officer shall call for a motion to table the Bill of Resolution until it is again sponsored.
  - 3) In the event a sponsor is named after the Bill of Resolution was tabled, the Bill of Resolution may be removed from the table in accordance with the rules in Subtitle 5 of this Title.

### 3.6.2.5 Record of Amendments

- A) In addition to the record of minutes and the audio recording, the City Secretary shall keep a record of each amendment to each Bill of Resolution and attach it to the Bill of Resolution.

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B) Unless otherwise specified by law, this record, including each draft of the Bill of Resolution submitted for consideration shall be maintained by the City Secretary for a period of five (5) years from the date of last action on the Bill of Resolution.

C) The City Secretary shall not include any amendments that failed.

D) The City Secretary shall not include any changes that were made except by the proper amendment process.

E) Prior to the presiding officer and the City Secretary signing the final Resolution, the City Secretary shall ensure that all approved amendments are including in the written copy of the Resolution.

### 3.6.2.6 Final Passage of a Resolution

A) The wording for a motion to approve an unamended Bill of Resolution as a final Resolution shall be substantially similar to: “I move to approve the Resolution” short title of Resolution “as written and submitted.”

B) The wording for a motion to approve an amended Bill of Resolution as a final Resolution shall be substantially similar to: “I move to approve the Resolution” short title of Resolution “as amended.”

## Chapter 3 – Proclamations

### 3.6.3.1 Bill of Proclamation

A) A Bill of Proclamation shall be the form in which a proposed Proclamation is brought before the City Council for consideration and action.

B) Each Bill of Proclamation shall be written in the same format as a Proclamation.

1) The Bill shall include the name of all sponsors on the final page.

2) Each Bill of Proclamation shall be marked with the words “BILL” on each page.

C) Each Bill of Proclamation shall contain the following:

1) The jurisdictional authority “City of Lavon, Collin County, Texas”; followed by

2) the words “Proclamation: “ and a space to place the number; followed by

3) the short title of the Proclamation; followed by

4) the long title or summary of the of Proclamation; followed by

5) the foundational considerations each proceeded by the words “Whereas,”; followed by

6) the words “Now therefore be it Proclaimed by the City Council of the City of Lavon:”; followed by

7) the body of the Proclamation; followed by

8) a declaration of the effective date; followed by

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- 9) the words “passed and approved by the City Council of the City of Lavon, Collin County, Texas on this” and a space for the date; followed by
- 10) a signature line for the presiding officer; followed by
- 11) a signature line for the City Secretary; followed by
- 12) the names of each sponsor.

### 3.6.3.2 Submission of Bill of Proclamation

A) The Mayor, any Alderman or any Municipal Officer may sponsor a Bill of Proclamation.

- 1) A Bill of Proclamation may have multiple sponsors.

B) The primary sponsor of the Bill of Proclamation shall notify the City Secretary of an agenda item as is required in Subtitle 5 of this Title.

C) The wording for consideration of any Bill of Proclamation shall be substantially similar to: “City Council to consider and act on a Bill adopting the Proclamation”, followed by the short title of the Bill of Proclamation.

D) Prior to noon on the day designated as the posting date for the agenda, the primary sponsor of each Bill of Proclamation shall deliver to the City Secretary an original copy to be distributed with the City Council Packets.

- 1) The City Secretary shall ensure a copy of the agenda and Bill of Proclamation is delivered to:

- a) the Mayor, in their City Council Packet; and
- b) each Alderman in their City Council Packets; and
- c) the City Manager in their City Council Packet; and
- d) each affected Municipal officer; and
- e) each affected Department Head.

### 3.6.3.3 Deliberations on each Bill of Proclamation

A) When a Bill of Proclamation appears on the agenda for consideration and action, the presiding officer shall call for deliberations or discussions on the Bill of Proclamation when the item is reached on the agenda.

B) Each change to the Bill of Proclamation shall be done by an amendment process.

- 1) Each change to the Bill of Proclamation shall be done by separate amendment; and
- 2) each amendment shall be done by motion and vote; and
- 3) the wording for a motion to amend any Bill of Proclamation shall be substantially similar to: “I move to amend the Bill by” followed by a statement of exact changes.

### 3.6.3.4 Change or Withdrawal of Sponsorship

A) At any time prior to the adoption of a Bill of Proclamation as an approved Proclamation, any sponsor may withdraw from sponsorship of the Bill of Proclamation.

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- 1) The effect of withdrawal shall be that the name of the withdrawn sponsor shall not appear on any future drafts of the Bill of Proclamation or on the final adopted Proclamation as a sponsor.
- 2) The withdrawal may be by written notice to the City Secretary or by declaration on the record during a City Council meeting at a time the Bill of Proclamation is being deliberated.

B) At any time prior to the adoption of a Bill of Proclamation as an approved Proclamation, any sponsor may join the sponsorship of the Bill of Proclamation.

- 1) The effect of joining the sponsorship shall be that the name of the new sponsor shall appear on any future drafts of the Bill of Proclamation and on the final adopted Proclamation as a sponsor.
- 2) The joining of sponsorship may be by written notice to the City Secretary or by declaration on the record during a City Council meeting at a time the Bill of Proclamation is being deliberated.

C) If at any time during the deliberations, all sponsors withdraw from sponsorship and no others join, the Bill of Proclamation shall be considered unsponsored.

- 1) The presiding officer shall immediately call for a motion to continue consideration of the unsponsored Bill of Proclamation.
- 2) If there is no motion or the motion fails, the presiding officer shall call for a motion to table the Bill of Proclamation until it is again sponsored.
- 3) In the event a sponsor is named after the Bill of Proclamation was tabled, the Bill of Proclamation may be removed from the table in accordance with the rules in Subtitle 5 of this Title.

### 3.6.3.5 Record of Amendments

- A) In addition to the record of minutes and the audio recording, the City Secretary shall keep a record of each amendment to each Bill of Proclamation and attach it to the Bill of Proclamation.
- B) Unless otherwise specified by law, this record, including each draft of the Bill of Proclamation submitted for consideration shall be maintained by the City Secretary for a period of five (5) years from the date of last action on the Bill of Proclamation.
- C) The City Secretary shall not include any amendments that failed.
- D) The City Secretary shall not include any changes that were made except by the proper amendment process.
- E) Prior to the presiding officer and the City Secretary signing the final Proclamation, the City Secretary shall ensure that all approved amendments are including in the written copy of the Proclamation.

### 3.6.3.6 Final Passage of a Proclamation

- A) The wording for a motion to approve an unamended Bill of Proclamation as a final Proclamation shall be substantially similar to: "I move to approve the Proclamation" short title of Proclamation "as written and submitted."

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B) The wording for a motion to approve an amended Bill of Proclamation as a final Proclamation shall be substantially similar to: “I move to approve the Proclamation” short title of Proclamation “as amended.”

### Chapter 4 – Orders and Directives

#### 3.6.4.1 Draft Orders and Directives

A) A draft Order or Directive shall be the form in which a proposed Order or Directive is brought before the City Council for consideration and action.

B) Each draft Order or Directive shall be written in the same format as an Order or Directive.

1) The draft Order or Directive shall include the name of all sponsors on the final page.

2) Each draft Order or Directive shall be marked with the words “DRAFT” on each page.

C) Each draft Order or Directive shall contain the following:

1) The jurisdictional authority “The City Council for the City of Lavon”; followed by

2) the word “Directive“ or “Order” and a space to place the number; followed by

3) the short title of the Order or Directive; followed by

4) the body of the draft Order or Directive; followed by

5) a declaration of the effective date; followed by

6) the words “passed and approved by the City Council of the City of Lavon, Collin County, Texas on this” and a space for the date; followed by

7) a signature line for the presiding officer; followed by

8) a signature line for the City Secretary; followed by

9) the names of each sponsor.

#### 3.6.4.2 Submission of Draft Order or Directive

A) The Mayor or any Alderman may sponsor a draft Order or Directive.

1) A draft Order or Directive may have multiple sponsors.

B) The primary sponsor of the draft Order or Directive shall notify the City Secretary of an agenda item as is required in Subtitle 5 of this Title.

C) The wording for consideration of any draft Order or Directive shall be substantially similar to: “City Council to consider and act on adopting the” followed by whether it is an Order or Directive, followed by the short title of the draft Order or Directive.

D) Prior to noon on the day designated as the posting date for the agenda, the primary sponsor of each draft Order or Directive shall deliver to the City Secretary an original copy to be distributed with the City Council Packets.

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1) The City Secretary shall ensure a copy of the agenda and draft Order or Directive is delivered to:

- a) the Mayor, in their City Council Packets; and
- b) each Alderman in their City Council Packets; and
- c) the City Manager in their City Council Packets; and
- d) each affected Municipal officer; and
- e) each affected Department Head.

### 3.6.4.3 Deliberations on each draft Order or Directive

A) When an Order or Directive appears on the agenda for consideration and action, the presiding officer shall call for deliberations or discussions on the draft Order or Directive when the item is reached on the agenda.

B) Each change to the draft Order or Directive shall be done by an amendment process.

- 1) Each change to the draft Order or Directive shall be done by separate amendment; and
- 2) each amendment shall be done by motion and vote; and
- 3) the wording for a motion to amend any draft Order or Directive shall be substantially similar to: “I move to amend the draft <Order or Directive> by” followed by a statement of exact changes.

### 3.6.4.4 Change or Withdrawal of Sponsorship

A) At any time prior to the adoption of a draft Order or Directive as an approved Order or Directive, any sponsor may withdraw from sponsorship of the draft Order or Directive.

- 1) The effect of withdrawal shall be that the name of the withdrawn sponsor shall not appear on any future drafts of the draft Order or Directive or on the final adopted Order or Directive as a sponsor.
- 2) The withdrawal may be by written notice to the City Secretary or by declaration on the record during a City Council meeting at a time the draft Order or Directive is being deliberated.

B) At any time prior to the adoption of a draft Order or Directive as an approved Order or Directive, any sponsor may join the sponsorship of the draft Order or Directive.

- 1) The effect of joining the sponsorship shall be that the name of the new sponsor shall appear on any future drafts of the Order or Directive and on the final adopted Order or Directive as a sponsor.
- 2) The joining of sponsorship may be by written notice to the City Secretary or by declaration on the record during a City Council meeting at a time the draft Order or Directive is being deliberated.

C) If at any time during the deliberations, all sponsors withdraw from sponsorship and no others join, the draft Order or Directive shall be considered unsponsored.

- 1) The presiding officer shall immediately call for a motion to continue consideration of the unsponsored draft Order or Directive.



# City of Lavon Code of Regulations

## Title 3 – Administration

2) If there is no motion or the motion fails, the presiding officer shall call for a motion to table the draft Order or Directive until it is again sponsored.

3) In the event a sponsor is named after the draft Order or Directive was tabled, the draft Order or Directive may be removed from the table in accordance with the rules in Subtitle 5 of this Title.

### 3.6.4.5 Record of Amendments

A) In addition to the record of minutes and the audio recording, the City Secretary shall keep a record of each amendment to each draft Order or Directive and attach it to the draft Order or Directive.

B) Unless otherwise specified by law, this record, including each draft of the Order or Directive submitted for consideration shall be maintained by the City Secretary for a period of five (5) years from the date of last action on the draft Order or Directive.

C) The City Secretary shall not include any amendments that failed.

D) The City Secretary shall not include any changes that were made except by the proper amendment process.

E) Prior to the presiding officer and the City Secretary signing the final Order or Directive, the City Secretary shall ensure that all approved amendments are including in the written copy of the Order or Directive.

### 3.6.4.6 Final Passage of an Order or Directive

A) The wording for a motion to approve an unamended draft Order or Directive as a final Order or Directive shall be substantially similar to: “I move to approve the <Order or Directive>” short title of draft Order or Directive “as written and submitted.”

B) The wording for a motion to approve an amended draft Order or Directive as a final Order or Directive shall be substantially similar to: “I move to approve the <Order or Directive>” short title of draft Order or Directive “as amended.”

## Chapter 5 – Other Actions of the City Council

### 3.6.5.1 Requests for Other Actions by the City Council

A) A request for other action by the City Council shall be in written form appropriate for submission to the City Council for consideration and action.

1) The request for other action by the City Council shall include the name of all requestors on the final page.

B) Each request for other action by the City Council shall contain the following:

1) The name of the authorized requestor; followed by

2) the words “Requested action by the City Council; followed by

3) the short title of the request for other action by the City Council; followed by

# City of Lavon Code of Regulations

## Title 3 – Administration

- 4) the body of the request for other action by the City Council; followed by
- 5) a declaration of the effective date; followed by
- 6) the words “passed and approved by the City Council of the City of Lavon, Collin County, Texas on this” and a space for the date; followed by
- 7) a signature line for the presiding officer; followed by
- 8) a signature line for the City Secretary; followed by
- 9) the names of each sponsor.

### 3.6.5.2 Submission of Request for Other Action by the City Council

A) The Mayor, any Alderman, a Municipal Officer, a commission of the City, a committee of the City or a citizen may make a request for other action by the City Council.

- 1) A request for other action by the City Council may have multiple requestors.

B) The Mayor, any Alderman or a Municipal Officer may sponsor a request for other action by the City Council.

- 1) A request for other action by the City Council may have multiple sponsors.
- 2) A request for other action by the City Council will not be placed on the City Council agenda until properly sponsored.

C) The primary sponsor of the request for other action by the City Council shall notify the City Secretary of an agenda item as is required in Subtitle 5 of this Title.

D) The wording for consideration of any request for other action by the City Council shall be substantially similar to: “City Council to consider and act on” followed by the short title of the request for other action by the City Council.

E) Prior to noon on the day designated as the posting date for the agenda, the primary sponsor of each request for other action by the City Council shall deliver to the City Secretary an original copy to be distributed with the City Council Packets.

- 1) The City Secretary shall ensure a copy of the agenda and request for other action by the City Council is delivered to:
  - a) the Mayor, in their City Council Packets; and
  - b) each Alderman in their City Council Packets; and
  - c) the City Manager in their City Council Packets; and
  - d) each affected Municipal officer; and
  - e) each affected Department Head.

### 3.6.5.3 Deliberations on Each Request for Other Action by the City Council

A) When a request for other action by the City Council appears on the agenda for consideration and action, the presiding officer shall call for deliberations or

# City of Lavon Code of Regulations

## Title 3 – Administration

discussions on the request for other action by the City Council when the item is reached on the agenda.

### 3.6.5.4 Change or Withdrawal of Sponsorship

A) At any time prior to the action on a request for other action by the City Council, any sponsor may withdraw from sponsorship of the request for other action by the City Council.

- 1) The effect of withdrawal shall be that the name of the withdrawn sponsor shall not appear on any future drafts of the request.
- 2) The withdrawal may be by written notice to the City Secretary or by declaration on the record during a City Council meeting at a time the request for other action by the City Council is being deliberated.

B) At any time prior to action on the request for other action by the City Council, any sponsor may join the sponsorship of the request for other action by the City Council.

- 1) The effect of joining the sponsorship shall be that the name of the new sponsor shall appear on any future drafts of the request for other action by the City Council.
- 2) The joining of sponsorship may be by written notice to the City Secretary or by declaration on the record during a City Council meeting at a time the request for other action by the City Council is being deliberated.

C) If at any time during the deliberations, all sponsors withdraw from sponsorship and no others join, the request for other action by the City Council shall be considered unsponsored.

- 1) The presiding officer shall immediately call for a motion to continue consideration of the unsponsored request for other action by the City Council.
- 2) If there is no motion or the motion fails, the presiding officer shall call for a motion to table the request for other action by the City Council until it is again sponsored.
- 3) In the event a sponsor is named after the request for other action by the City Council was tabled, the request for other action by the City Council may be removed from the table in accordance with the rules in Subtitle 5 of this Title.

### 3.6.5.5 Record of Request for Other Action by the City Council

A) In addition to the record of minutes and the audio recording, the City Secretary shall keep a record of each request for other action by the City Council.

B) Unless otherwise specified by law, this record shall be maintained by the City Secretary for a period of five (5) years from the date of last action on the request for other action by the City Council.

C) The City Secretary shall not include any changes that were made except by the proper amendment process.

# City of Lavon Code of Regulations

## Title 3 – Administration

### 3.6.5.6 Final Action on a Request for Other Action by the City Council

A) The wording for a motion to approve an unamended request for other action by the City Council shall be substantially similar to: “I move to approve the” short title of the request for other action by the City Council.

B) The wording for a motion to approve an amended request for other action by the City Council as a final Order or Directive shall be substantially similar to: “I move to approve the” new or amended request for other action by the City Council.

## Chapter 6 – Mayoral Proclamations

### 3.6.6.1 Mayoral Proclamation

A) The Mayor of the City of Lavon is authorized to make Mayoral Proclamations except as prohibited in this Chapter.

B) Each Mayoral Proclamation shall be in written form.

C) The form of a Mayoral Proclamation shall be in the substantially the following format.

- 1) On letterhead from the office of the Mayor of the City of Lavon; and
- 2) Bear the words “Mayoral Proclamation” on the topmost line of the body of the proclamation in Times New Roman typeset in no less than 20 point font; and
- 3) Bears the typewritten name of the Mayor in Times New Roman typeset in no less than 12 point font; and
- 4) Clearly bears the signature of the Mayor.

D) By executing a Mayoral Proclamation, the Mayor agrees to indemnify and hold harmless the City, City Council, employees of the City and all Municipal Officers against any and all demands, claims, suits, actions, judgments, expenses and attorneys’ fees incurred in any legal proceedings brought as a result of the Mayoral Proclamation.

### 3.6.6.2 Submission of Mayoral Proclamation

A) The Mayor shall submit to the City Secretary, an original of any Mayoral Proclamation within one (1) business day of issuing the Mayoral Proclamation.

B) The City Secretary shall stamp the date and time received on the back of each page of any Mayoral Proclamation submitted.

C) The City Secretary shall file the original of each Mayoral Proclamation in the permanent City Records and shall retain such Mayoral Proclamation indefinitely.

### 3.6.6.3 Prohibited Proclamations

A) No Mayoral Proclamation shall be used to express support or opposition to any candidate for office.

# City of Lavon Code of Regulations

## Title 3 – Administration

- B) No Mayoral Proclamation shall be used to express negative remarks about the City, City Council, Municipal Officers or City Staff.
- C) No Mayoral Proclamation shall be used to pursue illegal activities.
- D) No Mayoral Proclamation shall be used to express opposition to City policies, ordinances or actions.

### Chapter 7 – Aldermanic Proclamations

#### 3.6.7.1 Aldermanic Proclamation

- A) Each Alderman of the City of Lavon is authorized to make Aldermanic Proclamations except as prohibited in this Chapter.
- B) Each Aldermanic Proclamation shall be in written form.
- C) The form of an Aldermanic Proclamation shall be in the substantially the following format.
  - 1) On letterhead from the office of the Alderman; and
  - 2) Bear the words “Aldermanic Proclamation” on the topmost line of the body of the proclamation in Times New Roman typeset in no less than 20 point font; and
  - 3) Bears the typewritten name of the Alderman in Times New Roman typeset in no less than 12 point font; and
  - 4) Clearly bears the signature of the Alderman.
- D) By executing a Aldermanic Proclamation, the Alderman agrees to indemnify and hold harmless the City, City Council, employees of the City and all Municipal Officers against any and all demands, claims, suits, actions, judgments, expenses and attorneys’ fees incurred in any legal proceedings brought as a result of the Aldermanic Proclamation.

#### 3.6.7.2 Submission of Aldermanic Proclamation

- A) The Alderman shall submit to the City Secretary, an original of any Aldermanic Proclamation within one (1) business day of issuing the Aldermanic Proclamation.
- B) The City Secretary shall stamp the date and time received on the back of each page of any Aldermanic Proclamation submitted.
- C) The City Secretary shall file the original of each Aldermanic Proclamation in the permanent City Records and shall retain such Aldermanic Proclamation indefinitely.

#### 3.6.7.3 Prohibited Proclamations

- A) No Aldermanic Proclamation shall be used to express support or opposition to any candidate for office.
- B) No Aldermanic Proclamation shall be used to express negative remarks about the City, City Council, Municipal Officers or City Staff.
- C) No Aldermanic Proclamation shall be used to pursue illegal activities.

# City of Lavon Code of Regulations

## Title 3 – Administration

D) No Aldermanic Proclamation shall be used to express opposition to City policies, ordinances or actions.

### Subtitle 7 – Records Management

### Subtitle 8 – Vehicles and Equipment

#### Chapter 1 – Police Vehicles

##### 3.8.1.1 Marked Police Vehicles

- A) The Lavon Police Department is authorized to use marked police vehicles.
- B) Each marked police vehicle shall be marked in a manner so as to comply with Texas State Law.
- C) The Chief of Police: with the approval of the City Manager, within the boundaries of Texas State Law and within the constraints of the approved budget, shall have discretionary authority as to the:
  - 1) Make; and
  - 2) Model; and
  - 3) Type; and
  - 4) and graphics of each marked police vehicle.

D) Marked Police vehicles are authorized emergency vehicles of the City of Lavon.

Amended 20 April 2010 Ord. 2010-04-05

##### 3.8.1.2 Unmarked Police Vehicles

- A) The Lavon Police Department is authorized to use unmarked police vehicles.
- B) Each unmarked police vehicle shall comply with Texas State Law.
- C) The Chief of Police: with the approval of the City Manager, within the boundaries of Texas State Law and within the constraints of the approved budget, shall have discretionary authority as to the:
  - 1) Make; and
  - 2) Model; and
  - 3) Type; and
  - 4) other reasonable aspects of each unmarked police vehicle.

D) Unmarked Police vehicles are authorized emergency vehicles of the City of Lavon.

Amended 20 April 2010 Ord. 2010-04-05

##### 3.8.1.3 Privately Owned Vehicles

- A) The Chief of Police may authorize a privately owned vehicle as an authorized emergency vehicle if:

# City of Lavon Code of Regulations

## Title 3 – Administration

- 1) the vehicle is owned or leased (hereafter vehicle owner) by a Law Enforcement Officer as defined in Texas Code of Criminal Procedure Article 2.12 and who is a member of the Lavon Police Department; and
- 2) the vehicle owner executes a lease agreement with the Chief of Police for the use of the vehicle for an amount not to exceed one dollar (\$1.00) per month;
  - a) a lease agreement approved by the City Council may be for any amount deemed appropriate by the City Council; and
  - b) the City may reimburse mileage in addition to the base one dollar (\$1.00) lease, if there is monies budgeted for the purpose of Police mileage; and
  - c) any mileage reimbursement shall be at the standard City approved rate; and
  - d) any lease agreement under this Section shall not impair or prohibit the use of the vehicle by the vehicle owner or persons they designate; and
  - e) any lease agreement under this Section may be terminated by the City or the vehicle owner without prior notice; and
  - f) if the Chief of Police is the vehicle owner, the City Secretary shall execute the lease agreement.

- B) Each privately owned vehicle authorized under this Sections shall have a switch or some other method to shut off emergency equipment when the vehicle is operated by persons other than law enforcement officers.
- C) Each privately owned vehicle authorized under this Sections shall have a copy of the written order of the Chief of Police authorizing the emergency vehicle in the vehicle at all times it is operated as an authorized emergency vehicle.
- D) The City of Lavon shall not be responsible for the operation of the vehicle except when it is in actual use for the benefit of the City.
- E) Privately owned vehicles authorized under this Section by the Chief of Police are authorized emergency vehicles of the City of Lavon.
- F) In lieu of compensation for any damage or alteration to accommodate the installation, items purchased by or installed by the City, shall become the property of the vehicle owner at the time of installation. These items include:
  - 1) all lights, light mounts, control boxes; and
  - 2) all sirens, siren boxes; and
  - 3) radio mounts, antennas; and
  - 4) all other fixed or mounted equipment not excluded under paragraph G of this Section.
- G) The following items may be installed in a private vehicle on an as needed basis and shall remain the property of the city:
  - 1) Two way radios; and
  - 2) Radars and speed detection devices; and
  - 3) Firearms.

# City of Lavon Code of Regulations

## Title 3 – Administration

Amended 20 April 2010 Ord. 2010-04-05

### Chapter 2 – Marshal's Office Vehicles

#### 3.8.2.1 Marked Marshal's Office Vehicles

- A) The Lavon Marshal's Office is authorized to use marked law enforcement vehicles.
- B) Each marked law enforcement vehicle shall be marked in a manner so as to comply with Texas State Law.
- C) The City Marshal: with the approval of the City Manager, within the boundaries of Texas State Law and within the constraints of the approved budget, shall have discretionary authority as to the:
  - 1) Make; and
  - 2) Model; and
  - 3) Type; and
  - 4) and graphics of each marked Marshal's Office vehicle.
- D) Marked Marshal's Office vehicles are authorized emergency vehicles of the City of Lavon.

Amended 20 April 2010 Ord. 2010-04-05

#### 3.8.2.2 Unmarked Marshal's Office Vehicles

- A) The Lavon Marshal's Office is authorized to use **unmarked** law enforcement vehicles.
- B) Each unmarked law enforcement vehicle shall comply with Texas State Law.
- C) The City marshal: with the approval of the City Manager, within the boundaries of Texas State Law and within the constraints of the approved budget, shall have discretionary authority as to the:
  - 1) Make; and
  - 2) Model; and
  - 3) Type; and
  - 4) other reasonable aspects of each unmarked Marshal's Office vehicle.
- D) Unmarked Marshal's Office vehicles are authorized emergency vehicles of the City of Lavon.

Amended 20 April 2010 Ord. 2010-04-05

#### 3.8.2.3 Privately Owned Vehicles

- A) The City Marshal may authorize a privately owned vehicle as an authorized emergency vehicle if:
  - 1) the vehicle is owned or leased (hereafter vehicle owner) by a Law Enforcement Officer as defined in Texas Code of Criminal Procedure Article 2.12 and who is a member of the Lavon Marshal's Office; and



# City of Lavon Code of Regulations

## Title 3 – Administration

2) the vehicle owner executes a lease agreement with the City Marshal for the use of the vehicle for an amount not to exceed one dollar (\$1.00) per month;

- a) a lease agreement approved by the City Council may be for any amount deemed appropriate by the City Council; and
- b) the City may reimburse mileage in addition to the base one dollar (\$1.00) lease, if there is monies budgeted for the purpose of Marshal's Office mileage; and
- c) any mileage reimbursement shall be at the standard City approved rate; and
- d) any lease agreement under this Section shall not impair or prohibit the use of the vehicle by the vehicle owner or persons they designate; and
- e) any lease agreement under this Section may be terminated by the City or the vehicle owner without prior notice; and
- f) if the City Marshal is the vehicle owner, the City Secretary shall execute the lease agreement.

B) Each privately owned vehicle authorized under this Sections shall have a switch or some other method to shut off emergency equipment when the vehicle is operated by persons other than law enforcement officers.

C) Each privately owned vehicle authorized under this Sections shall have a copy of the written order of the City Marshal authorizing the emergency vehicle in the vehicle at all times it is operated as an authorized emergency vehicle.

D) The City of Lavon shall not be responsible for the operation of the vehicle except when it is in actual use for the benefit of the City.

E) Privately owned vehicles authorized under this Section by the City Marshal are authorized emergency vehicles of the City of Lavon.

F) In lieu of compensation for any damage or alteration to accommodate the installation, items purchased by or installed by the City, shall become the property of the vehicle owner at the time of installation. These items include:

- 1) all lights, light mounts, control boxes; and
- 2) all sirens, siren boxes; and
- 3) radio mounts, antennas; and
- 4) all other fixed or mounted equipment not excluded under paragraph G of this Section.

G) The following items may be installed in a private vehicle on an as needed basis and shall remain the property of the city:

- 1) Two way radios; and
- 2) Radars and speed detection devices; and
- 3) Firearms.

Amended 20 April 2010 Ord. 2010-04-05

## Chapter 3 – Public Works Vehicles

# City of Lavon Code of Regulations

## Title 3 – Administration

### 3.8.3.1 Public Works Vehicles

- A) All public works vehicles, unless otherwise authorized in this Subtitle, shall be marked as City of Lavon vehicles.
- B) Each marked public works vehicle shall be marked in a manner so as to comply with Texas State Law.
- C) The Director of Public Works: with the approval of the City Manager, within the boundaries of Texas State Law and within the constraints of the approved budget, shall have discretionary authority as to the:
  - 1) Make; and
  - 2) Model; and
  - 3) Type; and
  - 4) and graphics of each public works vehicle.

Amended 20 April 2010 Ord. 2010-04-05

## Chapter 4 – Other City Vehicles

### 3.8.4.1 Other City Vehicles

- A) All City vehicles displaying exempt license plates, unless otherwise authorized in this Subtitle, shall be marked as City of Lavon vehicles.
- B) Each City vehicles displaying exempt license plates, unless otherwise authorized in this Subtitle, shall be marked in a manner so as to comply with Texas State Law.
- C) The Department Head responsible for the vehicle: with the approval of the City Manager, within the boundaries of Texas State Law and within the constraints of the approved budget, shall have discretionary authority as to the:
  - 1) Make; and
  - 2) Model; and
  - 3) Type; and
  - 4) and graphics of each marked department vehicle.

Amended 20 April 2010 Ord. 2010-04-05

## Chapter 5 – Public Works Equipment

### 3.8.5.1 Public Works Equipment

- A) All public works equipment, unless otherwise authorized in this Subtitle, shall be marked as property of the City of Lavon.
- B) Each public works equipment shall be marked in a manner so as to comply with Texas State Law.
- C) The Director of Public Works: with the approval of the City Manager, within the boundaries of Texas State Law and within the constraints of the approved budget, shall have discretionary authority as to the:
  - 1) Make; and

# City of Lavon Code of Regulations

## Title 3 – Administration

- 2) Model; and
- 3) Type; and
- 4) and graphics of each piece of public works equipment.

Amended 20 April 2010 Ord. 2010-04-05

City of Lavon Code of Regulations

Title 4 – Land Use

Subtitle 1 – Zoning

Chapter 1 – General

Subtitle 2 – Maps

Subtitle 3 – Parks and Recreation

**CITY OF LAVON, COLLIN COUNTY TEXAS**

**ORDINANCE NO: 2010-04-05**

**Amending the Code of Regulations Relating to Committees, 911 Addressing and City Vehicles**

**AN ORDINANCE OF THE CITY OF LAVON, COLLIN COUNTY, TEXAS AMENDING THE CITY OF LAVON CODE OF REGULATIONS; PROVIDING SEVERABILITY AND PROVIDING AN EFFECTIVE DATE.**

**WHEREAS**, the City Council of the City of Lavon has previously adopted the City of Lavon Code of Regulations; and

**WHEREAS**, the City Council of the City of Lavon recognizes that the creation of the initial Code of Regulations is a monumental task and as such recognizes the need to approve each piece of the code as it is written; and

**WHEREAS**, the City Council has given due and diligent thought to this concern; and

**WHEREAS**, the City Council believes it is in the best interest for the City of Lavon, its citizens and visitors to amend the City of Lavon Code of Regulations relating to Committees, 911 addressing and City Vehicles.

**NOW THEREFORE:**

**BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF LAVON, COLLIN COUNTY, TEXAS:**

***SECTION 1. Amending the City of Lavon Code of Regulations***

1.1 The City Council of the City of Lavon does hereby adopt and approve the amendments to the City of Lavon Code of Regulations attached as "Attachment A"; and

1.2 amendments to the City of Lavon Code of Regulations attached as "Attachment A" are hereby incorporated into this Ordinance and made a part thereof.

***SECTION 2. Directing the City Secretary to Take Certain Actions***

2.1 The City Council of the City of Lavon does hereby direct the City Secretary to make the changes in the City of Lavon Code of Regulations by:

2.1.1 Submitting to the City Manager for their approval a change sheet to be inserted in the Code of Regulations; and

2.1.2 Making the Change in the Master Code of Regulations by inserting the approved change sheet; and

2.1.3 Recording the change information in the "Record of Amendments" appendix including the Ordinance authorizing the amendment; the date the Ordinance was approved; and the date the actual change was entered; and

2.1.4 Sending change sheets to each department of the City, to update their copy of the Code of Regulations; and

2.1.5 Cause the website to be updated to reflect the amendment; and

2.1.6 Ensure all future distributions of the Code of regulations include the amendments; and

2.1.7 Make available for purchase copies of the change sheet to interested parties.

### ***SECTION 3. Superseding Prior Ordinances***

3.1 It is hereby declared by the City Council of the City of Lavon that this Ordinance shall supersede the following previously passed and approved Ordinances of the City of Lavon: 2009-02-02 relating to Citizen Committees; 1990-08 relating to the Street Addressing; and Resolution 1993-04-01 relating to Unmarked Vehicles.


### ***SECTION 4. Severability***

4.1 It is hereby declared by the City Council of the City of Lavon that if any of the sections, paragraphs, sentences, clauses or phrases of this ordinance shall be declared unconstitutional or otherwise illegal by the valid judgment or decree of any court of competent jurisdiction, such event shall not effect any remaining the sections, paragraphs, sentences, clauses or phrases of this ordinance.


### ***SECTION 5. Effective Date***

5.1 This ordinance shall be in full force and effect from and after its passage and it is so ordained.

Passed and Approved by the City Council of the City of Lavon, Collin County,  
Texas on this 20<sup>th</sup> day of April, 2010.

  
The Honorable Norma Martin, Mayor

Attest:

  
Linda Ardis, City Secretary

Primary Sponsor(S):

City Manager J. Michael Jones

Additional Sponsors:

**CITY OF LAVON, COLLIN COUNTY TEXAS**

**ORDINANCE NO: 2010-04-02**

**Amending the Code of Regulations Relating to Vicious Animals**

**AN ORDINANCE OF THE CITY OF LAVON,  
COLLIN COUNTY, TEXAS AMENDING THE CITY  
OF LAVON CODE OF REGULATIONS;  
PROVIDING SEVERABILITY AND PROVIDING AN  
EFFECTIVE DATE.**

**WHEREAS**, the City Council of the City of Lavon has previously adopted the City of Lavon Code of Regulations; and

**WHEREAS**, the City Council of the City of Lavon recognizes that the creation of the initial Code of Regulations is a monumental task and as such recognizes the need to approve each piece of the code as it is written ; and

**WHEREAS**, the City Council has given due and diligent thought to this concern; and

**WHEREAS**, the City Council believes it is in the best interest for the City of Lavon, its citizens and visitors to amend the City of Lavon Code of Regulations relating to vicious animals.

**NOW THEREFORE:**

**BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF LAVON,  
COLLIN COUNTY, TEXAS:**

***SECTION 1. Amending the City of Lavon Code of Regulations***

1.1 The City Council of the City of Lavon does hereby adopt and approve the amendments to the City of Lavon Code of Regulations:

1.1.1 The Following addition shall be made to the City of Lavon Code of Regulations Title 1 Definitions and Structure, Subtitle 2 Definitions, Chapter 3 Definitions Applicable only to Title 2:

Vicious Animal

Shall mean any animal, except a dog assisting a peace officer engaged in law enforcement duties, which without provocation attacks or bites any human being or any domestic animal which has a known propensity to attack or bite human beings or animals, including a dangerous dog as defined in Texas Health and



Safety Code Sec. 822.0421. DETERMINATION THAT DOG IS DANGEROUS but not including an animal which bites, attacks or menaces a trespasser on the property of its owner or harms or menaces anyone who has tormented, tortured, or exhibited cruelty to such animal.

1.1.2 The Following addition shall be made to the City of Lavon Code of Regulations Title 2 Health and Safety, Subtitle 6 Animal Code, Chapter 9 Vicious Animals:

2.6.9.1 Vicious Animals Prohibited

A) No animal which has been declared a vicious animal nor any animal possessing fierce, dangerous or vicious propensities, whether, licensed or not, shall be allowed in the city.

2.6.9.2 Exemption for Law Enforcement and Watch Dogs

A) Dogs used by law enforcement authorities or approved by the Chief of Police, as evidenced by a written letter of exemption, as watch dogs for business establishments and securely confined thereto shall be exempt from this Chapter.  
B) The Chief of Police may, by written order, withdraw his approval of exception on any animal previously exempted.

2.6.9.3 Authorized Use of Force

A) A peace officer or animal control officer may use such force as is reasonably necessary to protect members of the public from any vicious dog or other animal wherein the actions of such animal reasonably appear to constitute an imminent threat of injury to any human being or domestic animal, including, when necessary, taking such animal's life.

2.6.9.4 Harboring a Vicious Animals

A) When the Chief of Police or the supervisor of animal control has determined upon the criteria set forth herein that an animal is vicious and is being kept and harbored in the city he may, in addition to the criminal sanctions imposed herein, take the following steps to abate such violation which is herein declared to be a nuisance:

- 1) Give written notice to the owner or person having control over the vicious animal or the property upon which the animal is kept or harbored to cease and desist the keeping and harboring of a vicious animal in the city within twenty-four (24) hours. A notice provided for in this section is properly served when it is delivered to the owner of the animal or custodian-in charge, or when it is sent by certified mail, return receipt requested, to the last known address of the owner or custodian of the animal.
- 2) Upon failure of the owner or person in control of the vicious animal or in control of the property wherein the animal is kept or harbored to comply with the notice, the any peace officer or the supervisor of animal

control may make affidavit setting forth the facts indicting that such animal is vicious and constitutes an imminent threat to the life and safety of the public by reason thereof and make application to the judge of the municipal court for a warrant to go upon the premises and secure and impound such vicious animal to be held by animal control pending a hearing if requested by the owner or person having control over the animal or over the property wherein the animal was seized. If no request for hearing has been made within ten (10) days, the animal may be disposed of as in other cases but shall not be let for adoption.

3) Provided, however, that the owner or person from whom the animal was seized may reclaim the animal any time upon assurance satisfactory to the Chief of Police, or in case of dispute between the parties, a cash escrow deposit set by the municipal judge, that said party will comply with said order of the Chief of Police, control until such time as it may be determined that the order was issued in error and that the keeping of such animal in the city poses no threat or hazard of injury to a human being.

4) The hearing provided for in this section shall be conducted before the municipal court.

#### 2.6.9.5 Owner Liability for a Vicious Animal

A) The owner of a vicious or dangerous animal shall be held strictly liable for any violation of this Chapter and for any damages caused thereby.

### ***SECTION 2. Directing the City Secretary to Take Certain Actions***

2.1 The City Council of the City of Lavon does hereby direct the City Secretary to make the changes in the City of Lavon Code of Regulations by:

2.1.1 Submitting to the City Manager for their approval a change sheet to be inserted in the Code of Regulations; and

2.1.2 Making the Change in the Master Code of Regulations by inserting the approved change sheet; and

2.1.3 Recording the change information in the "Record of Amendments" appendix including the Ordinance authorizing the amendment; the date the Ordinance was approved; and the date the actual change was entered; and

2.1.4 Sending change sheets to each department of the City, to update their copy of the Code of Regulations; and

2.1.5 Cause the website to be updated to reflect the amendment; and

2.1.6 Ensure all future distributions of the Code of regulations include the amendments; and

2.1.7 Make available for purchase copies of the change sheet to interested parties.

**SECTION 3. Severability**

3.1 It is hereby declared by the City Council of the City of Lavon that if any of the sections, paragraphs, sentences, clauses or phrases of this ordinance shall be declared unconstitutional or otherwise illegal by the valid judgement or decree of any court of competent jurisdiction, such event shall not effect any remaining the sections, paragraphs, sentences, clauses or phrases of this ordinance.

**SECTION 4. Effective Date**

4.1 This ordinance shall be in full force and effect from and after its passage and it is so ordained.

**Passed and Approved by the City Council of the City of Lavon, Collin County, Texas on this 06 day of April, 2010.**

  
\_\_\_\_\_  
The Honorable Norma Martin, Mayor

Attest:

  
\_\_\_\_\_  
Linda Ardis, City Secretary

Primary Sponsor(S):

Mayor Norma Martin  
Alderman Chris Kane

Additional Sponsors:

City Manager J. Michael Jones

**CITY OF LAVON, COLLIN COUNTY TEXAS**

**ORDINANCE NO: 2010-04-01**

**Code of Regulations**

**AN ORDINANCE OF THE CITY OF LAVON, COLLIN COUNTY, TEXAS CODIFYING CITY ORDINANCES; ESTABLISHING THE CITY OF LAVON CODE OF REGULATIONS; SUPERSEDING VARIOUS ORDINANCES; PROVIDING SEVERABILITY AND PROVIDING AN EFFECTIVE DATE.**

**WHEREAS**, the City Council of the City of Lavon believes it is imperative to give clear concise and understandable information about the City's laws, rules and regulations; and

**WHEREAS**, the City Council of the City of Lavon recognizes the best way format to the information is in a Code of regulations through a process known as codification; and

**WHEREAS**, the City Council has given due and diligent thought to this concern; and

**WHEREAS**, the City Council believes it is in the best interest for the City of Lavon, its citizens and visitors to begin codification and to establish a City of Lavon Code of Regulations.

**NOW THEREFORE:**

**BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF LAVON, COLLIN COUNTY, TEXAS:**

***SECTION 1. Definitions***

- 1.1 Code of Regulations – shall mean a set of documents that describe the City of Lavon codes, regulations, rules and laws, as adopted in a single comprehensive record known as the Code of Regulations. It shall exclude those codes, regulations, rules and laws adopted by ordinance, executive privilege or administrative action outside the codification process.
- 1.2 Master Code of Regulations – shall mean the Code of Regulations with an additional attached appendix that includes all additions, deletions, amendments and changes since the last formal adoption of the complete Code of Regulations. It shall also include the dates of all actions and their associated enacting ordinance numbers. The Master Code of Regulations shall be maintained as an official record in the City Secretary's office.

## ***SECTION 2. Adoption of the City of Lavon Code of Regulations***

- 2.1 The City Council of the City of Lavon does hereby adopt and approve the City of Lavon Code of Regulations attached as "Attachment A".
- 2.2 The City Council of the City of Lavon does designate the City of Lavon Code of Regulations attached as "Attachment A" as a part of this Ordinance and incorporated herein.
- 2.3 The City Council of the City of Lavon does designate the City of Lavon Code of Regulations as the primary and authoritative source of City of Lavon codes, regulations, rules and laws.
- 2.4 The City Council of the City of Lavon does recognize the codes, regulations, rules and laws adopted by ordinance, executive privilege or administrative action outside the codification process as the secondary and authoritative source of City of Lavon codes, regulations, rules and laws.
- 2.5 If a City Ordinance is in conflict with the City of Lavon Code of Regulations then the Ordinance which is properly adopted last in time shall govern and supersede the ordinance adopted first in time. A more restrictive clause within an ordinance shall not in and of itself constitute a conflict.
- 2.6 If an approved contract is in conflict with the City of Lavon Code of Regulations then the contract shall govern and supersede the City of Lavon Code of Regulations.

## ***SECTION 3. Changes, additions and deletions to the City of Lavon Code of Regulations***

- 4.1 The City Council recognizes that the creation of the initial Code of Regulations is a monumental task and as such authorizes the staff and Council Members to present to the City Council each part or portion of the Code of Regulations as it is completed.
- 4.2 When presented with a recommendation, the City Council may reject, change, modify, alter or replace the wording in the regulation change by a majority vote of the City Council prior to the vote for acceptance of the change. In addition, The City Council may send the regulation change back to the author for revision.
- 4.3 Any and all changes, additions and deletions to the City of Lavon Code of Regulations shall require an enabling ordinance to be considered for approval and adoption by the City Council.
- 4.4 Most changes, additions and deletions to the City of Lavon Code of Regulations shall be considered approved and adopted when their enabling ordinance is passed by an affirmative vote of the majority of the City Council.

4.4.1 Some changes, additions and deletions to the City of Lavon Code of Regulations may require a super majority or unanimous affirmative vote of their enabling ordinance by the City Council to be considered approved and adopted.

4.5 Any and all changes, additions and deletions to the City of Lavon Code of Regulations shall not require a reconsideration of this Ordinance and shall be made a part of the City of Lavon Code of Regulations when properly approved and adopted.

### **SECTION 5. Superseding Prior Ordinances**

5.1 It is hereby declared by the City Council of the City of Lavon that this Ordinance shall supersede the following previously passed and approved Ordinances of the City of Lavon: 89-2 relating to Police Reserves; 89-4 relating to Municipal Court Jurisdiction; 2001-12-11 relating to electing City Council at large; 2009-04-01 relating to the City Manager; 2009-04-03 relating to the City Secretary; 2009-04-04 relating to the City Marshal; 2009-05-01 relating to the Police Chief; 2009-05-02 relating to the Municipal Court; 2009-08-01 relating to the amending the City Manager Ordinance; 2009-08-02 relating to the amending the City Secretary Ordinance; 2009-11-04 relating to the Ethics in Government; and Resolution 2007-12-01 relating to the Establishing General Rules.


### **SECTION 6. Severability**

6.1 It is hereby declared by the City Council of the City of Lavon that if any of the sections, paragraphs, sentences, clauses or phrases of this ordinance shall be declared unconstitutional or otherwise illegal by the valid judgement or decree of any court of competent jurisdiction, such event shall not effect any remaining the sections, paragraphs, sentences, clauses or phrases of this ordinance.

### **SECTION 7. Effective Date**

7.1 This ordinance shall be in full force and effect from and after its passage and it is so ordained.

Passed and Approved by the City Council of the City of Lavon, Collin County, Texas on this 6<sup>th</sup> day of April, 2010.

  
The Honorable Norma Martin, Mayor

Attest:

  
Linda Ardis, City Secretary