

**TITLE III: ADMINISTRATION**

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## CHAPTER 30: TOWN POLICIES

### Section

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### **GENERAL POLICIES**

#### **30.01 NO SMOKING IN VILLAGE BUILDINGS.**

(A) For the purpose of this section, the following definition shall apply unless the context clearly indicates or requires a different meaning.

***SMOKE* or *SMOKING*.** The possession, carrying, or holding of a lighted pipe, cigar, or cigarette of any kind or any other lighted smoking equipment or device, or the lighting of, emitting, or exhaling the smoke of, a pipe, cigar, or cigarette of any kind.

(B) Smoking is hereby prohibited in the Village Hall and Community House, located at 7207 Stephen F. Austin Road, Jones Creek, Texas.

(C) The Mayor shall cause signs to be posted at each entrance to the Village Hall, hereunder, in order to advise the public that smoking is prohibited.  
(Ord. 304, passed 11-16-1995) Penalty, see ' 30.99

▪ **30.02 TYPE AA@ GENERAL LAW MUNICIPALITY.**

The village is hereby changed from a Type AB@ general law municipality to a Type AA@ general law municipality.  
(Ord. 353, passed 8-21-2001)

▪ **30.03 PROCEDURE FOR WRITE-IN CANDIDATES.**

(A) This section shall be known and may be cited as the AWrite-In Candidate Section of the Village of Jones Creek, Texas@.

(B) No write-in vote shall be valid in an election for an office of the village unless the person for whom such write-in vote has been cast has delivered to the Village Secretary/Administrator a written declaration of such person=s write-in candidacy at least 30 days before the election date. The written declaration must be signed by the write-in candidate before filing. No write-in candidate who fails to comply with this section shall be eligible to be elected to such office in such election.

(C) This section does not expressly or impliedly abolish or impair any other qualifications or requirements existing or created under any law for any person to be a candidate or a write-in candidate, or to hold public office.  
(Ord. 264, passed 3-21-1991)

▪ **30.04 FIRE FIGHTERS= RELIEF AND RETIREMENT FUND.**

Pursuant to the provisions of Par. (b) of ' 2 of Acts, 65th Tex. Leg., p. 710, Ch. 269, codified as Tex. Revised Civil Statutes Art. 6243e.3 (1925), the Village Council, being the governing body thereof, hereby elects to exempt the village from the requirements of said Act and hereby exercises the option not to participate in the Fire Fighters= Relief and Retirement Fund created by said Act.  
(Ord. 87, passed 9-19-1977)

▪ **30.05 EMPLOYEE RETIREMENT SYSTEM.**

(A) The Village Council, on behalf of said village, hereby exercises its option and elects to have the village and all of the employees of all departments now existing and those hereafter created participate in the Texas Municipal Retirement System as provided in the TMRS Act.

(B) The Village Secretary/Administrator is hereby directed to notify the Board of Trustees of the Texas Municipal Retirement System that the village has elected to participate and have the employees of the village covered in said system.

(C) Each person who becomes an employee of a participating village on or after the effective date of participation of such village whose position is full-time status shall become a member of the Texas Municipal Retirement System as a condition of their employment.

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

(E) Each employee who qualifies for such credit shall be allowed a prior service credit (as defined in Tex. Government Code ' 853.101 of the TMRS Act) at the rate of 100% of the base credit of such member, calculated in the manner prescribed in Tex. Government Code ' 853.105 of said Act.

(F) For each month of current service rendered to this village by each of its employees who are members of Texas Municipal Retirement System, the village will contribute to the current service annuity reserve of each such member, at the time of his or her retirement, a sum that is 150% of such member's accumulated deposits for such month of employment; and said sum shall be contributed from the village's account in the Municipality Accumulation Fund.

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

(H) The village hereby elects to participate in the Supplemental Death Benefits Fund of the Texas Municipal Retirement System for the purpose of providing in-service death benefits for each of the village's employees who are members of said system, and for the purpose of providing post-retirement death benefits for annuitants whose last covered employment was as an employee of the village, in the amounts and on the terms provided for in Tex. Government Code ' ' 852.004, 854.601 through 854.605, 855.314, 855.408, and 855.502, as amended.

(Ord. 292, passed 9-16-1993)

***DRUG AND ALCOHOL POLICY*****30.20 SHORT TITLE.**

This subchapter shall be known and may be cited as the Alcohol and Drug Policy Subchapter of the Village of Jones Creek, Texas.  
(Ord. 270, passed 10-17-1991)

**30.21 DEFINITIONS.**

For the purpose of this subchapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

***ALCOHOLIC BEVERAGE.*** Alcohol, or any beverage containing more than 0.5% of alcohol by volume, which is capable of use for beverage purposes, either alone or when diluted.

***CONTROLLED SUBSTANCE.*** Any substance listed in Schedules I through V of § 202 of the Controlled Substance Act, codified as 21 U.S.C. § 812, as amended.

***DRUG.*** Any chemical substance that produces a physical, mental, emotional, or behavioral change in the user including, but not limited to, marijuana or cannabis in all forms.

***DRUG PARAPHERNALIA.*** Any equipment, product, or material that is used or intended for use in concealing an illegal drug or for use in injecting, ingesting, inhaling, or otherwise introducing into the human body an illegal drug or controlled substance.

***FIT FOR DUTY.*** The ability to work in a manner suitable for the job.

***ILLEGAL DRUG.*** Any drug or derivative thereof, the use, possession, sale, transfer, attempted sale or transfer, manufacture, or storage of which is illegal or regulated under any federal, state, or local law or regulation; and any other drug including, but not limited to, a prescription drug or inhalant used for any reason other than a legitimate medical reason by the person for whom such drug or inhalant was prescribed by a practitioner of a health science profession authorized by law to prescribe such drug or inhalant for the person for whom it was prescribed.

***REASONABLE CAUSE/REASONABLE SUSPICION.*** Evidence strong enough to lead a reasonable person to believe that a person accused is guilty of the accusation against him or her.

***TESTED.*** The use of a blood, urine, or breath test to determine the presence of alcohol or drugs in the body of a village employee.

***VILLAGE.*** The Village of Jones Creek, Texas.

**VILLAGE PREMISES.** Any real property including, but not limited to, buildings and parking lots, any interest in which is owned, rented, or leased by the village.

**VILLAGE PROPERTY.** Any personal property used by village employees including, but not limited to, vehicles, lockers, desks, closets, and the like, whether such property is owned, rented, or leased by the village.

(Ord. 270, passed 10-17-1991)

▪ **30.22 PURPOSE.**

The use and misuse of alcohol and/or drugs can and does impair the ability of an employee to perform his or her duties and may endanger the employee, his or her co-workers, and the general public as well as the property of the village and others. The purpose of this policy is to prevent the use, abuse, and/or misuse of alcohol and drugs by its employees in any way in which the ability of the employee to perform his or her duties is impaired, and to identify and remove the adverse affects of alcohol and drugs on job performance in order to protect the health and safety of the employees of the village and the general public.

(Ord. 270, passed 10-17-1991)

▪ **30.23 GENERAL POLICY PROVISIONS.**

(A) Any of the following actions by any employee of the village constitutes a violation of this policy and may subject him or her to disciplinary action including, but not limited to, immediate termination of employment:

(1) Using, distributing, selling, transferring, dispensing, possessing, manufacturing, using, or storing an illegal drug or controlled substance or drug paraphernalia, or attempting or assisting another to do so, while in the course and scope of employment by the village or while engaged in village business or a village-sponsored activity on village premises or while using village property;

(2) Working or reporting to work, conducting village business, being on village premises, or using village property while under the influence of any alcoholic beverage or illegal drug. An employee is deemed to be **UNDER THE INFLUENCE** if he or she does not have the normal use of his or her mental or physical faculties as a result of the voluntary introduction into his or her body by such employee of an alcoholic beverage or any drug. Proof that an employee has an alcohol concentration in his or her body of 0.08, with **ALCOHOL CONCENTRATION** having the meaning assigned to it in Tex. Penal Code ' 49.01, shall be prima facie evidence that such employee does not have the normal use of his or her mental or physical faculties as a result of the voluntary introduction into his or her body by such employee of an alcoholic beverage; or

(3) Refusing to be tested if and when requested under the terms of this policy.

(B) Copies of Schedules I through V of ' 202 of the Controlled Substance Act, codified as 21 U.S.C. ' 812, as amended, are available for employee review in the office of the Village Secretary/Administrator during normal business hours.

(C) A determination of whether or not an employee is Afit for duty@ may be based on the results of a medical evaluation that may include drug and/or alcohol testing.

(D) An employee may be tested when there is reasonable cause/reasonable suspicion that the employee has ceased to be fit for duty, has committed any of the prohibited acts described above in divisions (A)(1) or (A)(2) above, or is engaged in the use of a substance that is affecting his or her job performance. An employee may also be tested when such employee has been involved in a work related accident.

(E) This policy applies to all employees of the village regardless of rank or position and includes temporary and part-time employees.

(F) All village supervisors will receive training regarding this alcohol and drug policy and all village employees will receive copies of this policy as soon as possible after its adoption. All employees shall sign the following written acknowledgment:

I acknowledge that I have received a copy of the alcohol and drug policies of the Village of Jones Creek, Texas. I also acknowledge that the provisions of such policy are part of the terms and conditions of my employment and I agree to abide by them.

(G) Any employee who is taking drugs prescribed for his or her attending health care professional must advise his or her village supervisor in writing of the possible affect the taking such drugs may have on his or her job performance and physical/mental capabilities. This written information must be kept confidential and communicated to the employee=s supervisor prior to the employee commencing work. All medical information will be kept confidential and any breach of privacy and confidentiality in this regard will be punished. All prescription drugs must be kept in their original container.

(H) Searches of any village property in the possession or under the control of an employee as well as searches of an employee=s personal property including, but not limited to, vehicles, purses, briefcases, lunch boxes, or tool boxes may be conducted at any time on village premises upon reasonable cause/reasonable suspicion that such employee is in possession of any alcoholic beverage, drug, or controlled substance.

(I) Any violation of this alcohol and drug policy by any employee which also constitutes a violation of any federal, state, or local law will be reported by the employee=s village supervisor to the appropriate law enforcement agency and any evidence of such violation will be turned over to such agency. The village will cooperate fully with the prosecution of any such employee by such agency.

(J) In order for any applicant for employment in any position under the supervision of the Village



Marshal or the Village Secretary/Administrator to be considered fit for duty, such applicant must be free from any evidence of alcohol or drug abuse. To assure the satisfaction of this requirement, all such applicants may be required by the Village Secretary/Administrator or Village Marshal, as the case may be, to be tested for the purpose of detecting an alcohol or drug abuser prior to employment. The Village Secretary/Administrator or Village Marshal, as the case may be, shall have the right to select the laboratory to be used and the test shall be administered at the expense of the village.

(K) The village reserved the right to interpret, change, suspend, cancel, or dispute, with or without notice, all or any part of this policy or the procedures or benefits discussed herein. Provided, however, all village employees will be notified before implementation of any change.

(L) Although adherence to this policy is considered a condition of continued employment, nothing in this policy alters an employee=s status and shall not constitute nor be deemed a contract or promise of employment. Employees remain free to resign their employment at any time for any or nor reason without notice, and the village retains the right to terminate any employee in the manner prescribed by the applicable laws of the state or the applicable ordinances of the village.

(M) The provisions of this policy shall apply in addition to, and shall be subordinated to, any requirements imposed by applicable federal, state, or local laws, regulations, or judicial decisions. (Ord. 270, passed 10-17-1991) Penalty, see ' 30.99

**' 30.24 VIOLATIONS PRIOR TO EFFECTIVE DATE.**

No offense committed and no fine, forfeiture, or penalty incurred prior to the effective date of this subchapter is to be affected by the adoption of this subchapter, but the punishment for any offense committed and the recovery of any fines or forfeitures incurred prior to such date shall take place as if this subchapter had not been adopted. (Ord. 270, passed 10-17-1991)

**' 30.25 CONFLICTING STATUTES.**

This subchapter is cumulative of, and in addition to, all other ordinances of the village on the same subject and all such other ordinances are hereby expressly saved from repeal; but where this subchapter conflicts or overlaps with any other ordinance of the village, whichever imposes the more stringent regulations or penalties, as the case may be, shall prevail. (Ord. 270, passed 10-17-1991)

**' 30.99 PENALTY.**

(A) Any person violating any provision of this chapter for which no specific penalty is prescribed

shall be subject to ' 10.99 of this code of ordinances.

(B) (1) Any person including, but not limited to, a village employee who smokes in violation of ' 30.01 and who refuses to extinguish his or her smoking material or device immediately upon the request of any village employee shall be guilty of an offense punishable by a fine of not more than \$200.

(2) Any violation of ' 30.01 by a village employee shall be grounds for discipline.

(C) Any violation of ' ' 30.20 through 30.25 shall be a misdemeanor punishable by a fine not to exceed \$100; and each day any such violation continues or occurs shall constitute a separate offense. (Ord. 270, passed 10-17-1991; Ord. 304, passed 11-16-1995)

## CHAPTER 31: FINANCES

### Section

- 31.01 Credit card processing fee
- 31.02 Tax penalty
- 31.03 Goods-in-transit taxable
- 31.04 Tax exemptions
- 31.05 Gas and electricity tax
- 31.06 Revenue Sharing Trust Fund
- 31.07 General Fund

#### • 31.01 CREDIT CARD PROCESSING FEE.

(A) This section shall be known and may be cited as the ACredit Card and Internet Use Section of the Village of Jones Creek, Texas@.

(B) For the purpose of this section, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

**CREDIT CARD.** A card, plate, or similar device used to make purchases on credit or to borrow money.

**PAYMENT BY ELECTRONIC MEANS.** Payment by telephone or computer, but does not include payment in person or by mail.

(C) Any official of the village who collects fees, fines, court costs, or other charges is hereby authorized to accept payment of such fees, fines, court costs, or other charges by credit card and shall collect a fee of 5% of any fees, fines, court costs, or other charges for the processing of such payment by credit card.

(D) If for any reason a payment by credit card is not honored by the credit card company on which the funds are drawn, from the person who owes such fee, fine, court cost, or other charge and, in addition thereto, a service charge shall be collected which is the same amount as the fee charged for the collection of a check drawn on an account with insufficient funds, to-wit:

- (1) Ten dollars if the face amount of the check or sight order does not exceed \$10;

(2) Fifteen dollars if the face amount of the check or sight order is greater than \$10 but does not exceed \$100;

(3) Thirty dollars if the face amount of the check or sight order is greater than \$100 but does not exceed \$300;

(4) Fifty dollars if the face amount of the check or sight order is greater than \$300 but does not exceed \$500; and

(5) Seventy five dollars if the face amount of the check or sight order is greater than \$500.

(E) If the village has contracted with a company that issues credit cards to collect and seize credit cards issued by such company that are outdated or otherwise unauthorized, such company shall be charged a fee for the return of such credit cards in an amount to be specified in such contract.

(F) If access to information, collection, or services are provided by the village to any person or entity through the internet, a fee equal to the amount charged the village by its internet provider for providing such access, collection, or services plus \$5 shall be collected.

(G) All fees or charges collected under this section shall be deposited by the officer collecting the same in the General Fund of the village.

(H) Nothing contained in this section shall cause any rights heretofore vested to be altered, affected, or impaired in any way and all such rights may be hereafter enforced as if this section had not been adopted.

(I) This section is cumulative of, and in addition to, all other ordinances of the village on the same subject and all such other ordinances are hereby expressly saved from repeal; but where this section conflicts or overlaps with any other ordinance of the village, whichever imposes the more stringent regulations or penalties, as the case may be, shall prevail.

(Ord. 446, passed 10-18-2011)

### **31.02 TAX PENALTY.**

An additional penalty on delinquent personal property taxes for tax year 2011 and subsequent years is hereby authorized and imposed, as provided by Tex. Tax Code ' 33.11, in the amount of 20% of the delinquent tax, penalty, and interest if the tax becomes delinquent on or after February 1 of a year and remains delinquent on day 60 thereafter.

(Ord. 449, passed 12-20-2011)

**31.03 GOODS-IN-TRANSIT TAXABLE.**

All such goods-in-transit personal property, as covered by Tex. Property Tax Code ' 11.253, shall be and are hereby declared to be taxable by the village for tax year 2012 and for every year thereafter, all as provided for and in accordance with Tex. Property Tax Code ' 11.253.  
(Ord. 447, passed 11-15-2011)

**31.04 TAX EXEMPTIONS.**

(A) Upon complying with the applicable procedures set forth in Tex. Property Tax Code ' ' 1.01 et seq., \$75,000 of the market value of the residence homestead of every married or unmarried adult 65 years or older in the village, including those living alone, shall be exempt from ad valorem taxes levied by the village.

(B) Upon complying with the applicable procedures set forth in Tex. Property Tax Code ' ' 1.01 et seq., \$75,000 of the market value of the residence homestead of every person in the village, married or unmarried, including those living alone, who are under a disability for purposes of payment of disability insurance benefits under Federal Old Age Survivors and Disability Insurance Act, being 42 U.S.C. ' ' 301 et seq., or its successor shall be exempt from ad valorem taxes levied by the village.  
(Ord. 248, passed 4-16-1990; Ord. 249, passed 4-16-1990)

**31.05 GAS AND ELECTRICITY TAX.**

Pursuant to Tex. Tax Code ' 321.104, the Village Council, being the governing body of said village, on the affirmative vote of a majority of its membership on the sale, production, distribution, lease, or rental of, and the use, storage, or other consumption of gas and electricity for residential use hereby continues the 1% local sales and use tax, heretofore adopted by a vote of the majority of the qualified voters of said village.  
(Ord. 105, passed 1-15-1979)

**31.06 REVENUE SHARING TRUST FUND.**

(A) *Authority to open special account and title of account.* The Mayor and Secretary/Administrator are hereby authorized and directed to open a special checking account in the official depository of said village, the title of such account to be AVillage of Jones Creek, Texas - Revenue Sharing Trust Fund@.

(B) *Signature authorization.* The Mayor, Mayor Pro-Tem and Secretary/Administrator shall be the only persons authorized to draw upon such account and all checks drawn thereon shall be signed by the Secretary/Administrator and countersigned by the Mayor or Mayor Pro-Tem.

(C) *Deposits and withdrawals.* All monies received by the village from the Treasury of the United States under Title I of the State and Local Fiscal Assistance Act of 1972, being 31 U.S.C. ' ' 6701 et seq. shall be deposited by the Mayor or Secretary/Administrator in such special checking account, and all checks shall be drawn thereon only when authorized by a majority vote of the members of the Village Council present and voting at a regular or special meeting of said Council, and then only in accordance with the terms and provisions of said Act and the Treasury Regulations adopted pursuant thereto, as the same now provide or may hereafter be amended to provide.

(Ord. 31, passed 12-19-1972)

***Statutory reference:***

*Authority to receive proceeds, see Tex. Government Code ' 403.102*

**' 31.07 GENERAL FUND.**

(A) *Selection of depository.* The Village Council will designate an official depository for all funds of the village

(B) *Authority to open account and title of account.* The Mayor and Secretary/Administrator are hereby authorized and directed to open a checking account in such depository, the title of such account to be AVillage of Jones Creek, Texas - General Fund@.

(C) *Signature authorization.* The Mayor, Mayor Pro-Tem and Secretary/Administrator shall be the only persons authorized to draw upon such account and all checks drawn thereon shall be signed by the Secretary/Administrator and countersigned by the Mayor or Mayor Pro-Tem.

(D) *Deposits and withdrawals.* Until otherwise designated by subsequent ordinance, all monies received by the village, from whatever source, shall be deposited by the Secretary/Administrator in the General Fund at such depository and all checks shall be drawn thereon only when authorized by the Village Council.

(Ord. II, passed 1-27-1970)

## CHAPTER 32: VILLAGE OFFICIALS

### Section

- 32.01 Secretary/Administrator
- 32.02 Mayor/Aldermen terms
- 32.03 Mayor Pro Tempore
- 32.04 Aldermen duties/procedure
- 32.05 Marshal

#### • **32.01 SECRETARY/ADMINISTRATOR.**

(A) *Office of Secretary/Administrator created.* There is hereby created for the village the office of Secretary/Administrator.

(B) *Duties of Secretary/Administrator.* The Secretary/Administrator shall have and perform the following duties:

- (1) Attend every meeting of the Village Council and keep accurate minutes of the proceedings thereof in a well-bound book;
- (2) Keep the corporate seal and attest and affix the seal to all documents when required to do so by law;
- (3) Take charge and preserve the original of each ordinance passed by the Village Council, as well as all other books, papers, records, documents, and files of the village;
- (4) Make out and give notices of all regular and special meetings in accordance with law and the instructions of the Mayor;
- (5) Draw all checks and warrants upon the funds of the village when instructed to do so by the Village Council and countersign the same with the Mayor or Mayor Pro-Tem;
- (6) Receive and deposit in the depository designated by the Village Council all money belonging to the village and issue official receipts for money received;
- (7) Keep a current record of all receipts and disbursements in a well-bound book;

(8) Render a full and complete account of all receipts and disbursements at such times as may be required by the Village Council;

(9) Do and perform such other acts and duties as the Village Council may hereafter require;

(10) General superintendence over and supervision of other appointed officers and any employees of the village except the Marshal; and the authority of the Village Secretary/Administrator to supervise such other officers and employees of the village is limited only to the extent some other person or entity is given such authority in specific instances by other ordinances of the village or the law of the state;

(11) General superintendence over and supervision of all property and budgeted funds of the village; and

(12) Act as Administrative Assistant to the Mayor, discharging such duties as the Mayor may from time to time assign.

(C) *Compensation and reimbursement for expenses incurred.* The Village Secretary/Administrator shall receive as compensation for performing the duties of such office such sum of money as the Village Council may from time to time fix upon motion duly adopted by the affirmative vote of a majority of the Aldermen present and voting at any regular or special meeting of the Village Council. In addition, the Secretary/Administrator shall be entitled to reimbursement for all authorized expenses incurred on behalf of the village in the performance of the duties of such office.

(Ord. I, passed 1-27-1970; Ord. 123, passed 4-28-1980; Ord. 247, passed 2-12-1990)

### • 32.02 MAYOR/ALDERMEN TERMS.

(A) *Adoption of state law.* The provisions of Tex. Local Government Code ' ' 22.001 et seq. are hereby adopted by the Village Council.

(B) *Procedure.* The Mayor and two Aldermen, who shall be designated Alderman Position One and Alderman Position Two, shall be determined by lot at the first meeting of the Village Council following the next annual election which shall be held on the first Saturday in April, 1970. The Mayor and Alderman Position One and Alderman Position Two shall hold office for a term of two years. The remaining Aldermen, to be designated Alderman Position Three, Alderman Position Four, and Alderman Position Five, shall hold office for an initial period of one year. Thereafter, all members of the Village Council shall hold office for terms of two years and until their successors have qualified.

(Ord. III, passed 1-27-1970)

### • 32.03 MAYOR PRO TEMPORE.

(A) *Office of Mayor Pro Tempore created.* Pursuant to the authority of Tex. Revised Civil Statutes



Art. 1146, ' 7 (1925), there is hereby created for the village the office of Mayor Pro Tempore.

(B) *Term of office.* The Village Council shall select one of its number to be Mayor Pro Tempore, who shall serve for a term of one year and until his or her successor is duly elected.

(C) *Duties of Mayor Pro Tempore.* The Mayor Pro Tempore shall have the following duties:

(1) In the case of the failure, inability, or refusal of the Mayor to act, the Mayor Pro Tempore shall perform the duties of the Mayor as President of the Village Council; and

(2) In the case of the absence or inability of the Mayor to function as ex-officio Recorder and Judge of the Municipal Court, or in the event the Mayor is disqualified by law to act as such Recorder and Judge in any action before such court, the Mayor Pro Tempore shall act as such Recorder and Judge. (Ord. 10, passed 4-28-1970)

**' 32.04 ALDERMEN DUTIES/PROCEDURE.**

(A) *Short title.* This section shall be known and may be cited as AThe Procedural Section of the Village of Jones Creek, Texas@.

(B) *Robert=s Rules of Order adopted; exceptions.* The rules of parliamentary procedure known as Robert=s Rules of Order are hereby adopted and shall be followed at all meetings of the Village Council. Provided, however, this section shall not apply when a different method of proceeding is required by the ordinances of said village (including this section) or the constitution and laws of the state or the United States of America.

(C) *Regular meetings.* The Village Council shall have one regular meeting per month, to be held on the third Tuesday of each month. All regular meetings shall begin at 6:30 p.m.

(D) *Special and emergency meetings.* An emergency meeting is one held in case of emergency or urgent public necessity, where only two-hours= notice thereof is required by the state=s Open Meetings Act, codified as Tex. Government Code ' 551.045. A special meeting is any meeting other than an emergency meeting or a regular meeting. An emergency or special meeting may be called by the Mayor or any four of the Aldermen, and the person or persons calling such meeting shall be responsible for complying with the notice provisions of the said Open Meetings Act and the time at which such meeting shall begin shall be the time specified in such notice.

(E) *Meeting place.* All regular meetings of the Village Council shall be held at the Village Hall located at 7207 Stephen F. Austin Road within the corporate limits of said village. Unless otherwise designated in the posted notice of an emergency or special meeting, all emergency or special meetings shall also be held at the Village Hall.

(F) *Contents of agenda.*

(1) The agenda of every regular, special, and emergency meeting of the Village Council shall comply with the requirements of the said state=s Open Meetings Act and shall include the following items, to-wit:

- (a) Call meeting to order;
- (b) Invocation;
- (c) Roll call of members and other officers;
- (d) Reading and approval of minutes of previous meeting;
- (e) Business of visitors not on agenda under old business or new business;
- (f) Old business;
- (g) New business:
  - 1. Public business;
  - 2. Closed executive session, if necessary; and
  - 3. Action on items discussed in closed executive session, if necessary.
- (h) Adjournment.

(2) The foregoing order of business may be varied by deletion of any item except items in divisions (F)(1)(a), (F)(1)(b), (F)(1)(c), and (F)(1)(g) above when not required by the business to be transacted by the Council, and the order of business specified in the agenda may be varied by postponement of any item or items to a later time in the same meeting upon the affirmative vote of a majority of the Aldermen present and voting at any meeting.

(G) *Limitation of comments and presentation of visitors.* Any visitor who addresses the Village Council during that portion of the agenda devoted to the business of visitors not on the agenda shall be limited to five minutes, unless extended by the affirmative vote of a majority of the Aldermen present and voting at any meeting. Any visitor who makes a presentation to the Village Council concerning a specific item under old business or new business shall be limited to 15 minutes, unless extended by the affirmative vote of a majority of the Aldermen present and voting at any meeting.

(H) *Method of exercising powers.* All powers of the Village Council shall be exercised by motion, duly seconded, and entered upon the minutes of the meeting, except where an ordinance or formal written resolution is required by the ordinances of said village or the constitution and laws of the state

or the United States of America. Any motion, resolution, or ordinance shall be considered adopted upon receiving the affirmative vote of a majority of the Aldermen present and voting, unless a larger number of affirmative votes is required by any ordinance of said village or laws of the state.

(I) *Mandatory attendance requirements; removal for violation.* Each and every member of the Village Council shall attend all regular, special, and emergency meetings of the Village Council which have been duly called, as required by provisions of this section and by the provisions of the laws of the state, except any Alderman may be excused by the Mayor or by a majority of the Village Council from attending a meeting for good cause, to be determined by the Mayor or the majority of the Village Council, as the case may be. Three consecutive unexcused absences from any meeting by any Alderman shall constitute grounds for removal of such Alderman pursuant to the provisions of Tex. Local Government Code ' ' 22.009, 22.041 and 22.077. An **UNEXCUSED ABSENCE** is hereby defined as an absence of an Alderman from a regular, special, or emergency meeting when such absence is not excused by the Mayor or a majority of the Village Council, or the failure of an Alderman to remain at any regular, special, or emergency meeting from the time the meeting is called to order by the Mayor until such time as such meeting is adjourned by the Mayor, unless excused by the Mayor or a majority of the Aldermen attending such meeting for good cause as determined above.

(J) *Additional powers.*

(1) All powers and duties of the Beautification Committee and the Civic Committee, as set forth in Ords. 224 and 274, shall be exercised by the Village Council as it may, in its sole discretion, deem appropriate.

(2) All funds heretofore collected, budgeted, or appropriated for the use of such Committee shall be maintained in a special account at the depository of said village and hereafter used in the beautification of said village as the Village Council, in its sole discretion, may deem appropriate. (Ord. 69, passed 5-17-1976; Ord. 131, passed 2-5-1981; Ord. 284, passed 1-21-1993)

• **32.06 MARSHAL.**

(A) *Term of office of Marshal.* Beginning with the Village Marshal who is elected at the next annual election of the village, which shall be held on the first Saturday in April, 1970, the Village Marshal shall hold office for a term of two years and until his or her successor has qualified.

(B) *Compensation.* The Village Marshal shall receive as compensation for the performance of his or her official duties a monthly salary payable on the first day of each month out of the General Fund of said village, in lieu of all other salaries and fees specified in the constitution or laws of the state or any other ordinance of the village, the amount of such salary to be set from time to time by a vote of the majority of the Aldermen present and voting at any regular or special meeting of the Village Council.

(C) *Reimbursement for expenses.* In addition to the compensation provided for in division (B) above, the Village Marshal shall be entitled to reimbursement for any out-of-pocket expenses reasonably

incurred by him or her in the performance of his or her official duties, payable on the first day of each month out of the General Fund, if the incurring of such expenses were previously authorized by the majority vote of the Aldermen present and voting at any regular or special meeting of the Village Council.

(D) *Duties; supervision.*

(1) The Village Marshal shall supervise all of the Deputy Marshals of the village and, for this purpose, shall adopt a policy manual establishing standards for the conduct, duties, and responsibilities of the Deputy Marshals.

(2) The Village Marshal may, after providing due notice and an opportunity to be heard, suspend any Deputy Marshal for not more than 30 days for a violation of such policy.

(3) If the Marshal is of the opinion that the appointment of a Deputy Marshal suspended by him or her should be terminated for any reason, he or she shall notify the Mayor who shall place such termination on the agenda of the next regular meeting of the Village Council; or, if the Mayor deems it to be in the best interest of the village, he or she may call a special meeting of the Village Council to consider such proposed termination.

(4) Notice and an opportunity to be heard shall be provided to the Deputy Marshal referred to the Village Council for termination, and all deliberation on such termination shall be in executive session unless a meeting open to the public is requested by the Deputy Marshal in question.

(Ord. VII, passed 2-19-1970; Ord. 126, passed 9-18-1980; Ord. 367, passed 2-18-2003)

## CHAPTER 33: MUNICIPAL COURT

### Section

- 33.01 Short title
- 33.02 Clerk; Deputy Clerk
- 33.03 Court seal
- 33.04 Judge
- 33.05 Rules of practice and procedure
- 33.06 Judicial notice
- 33.07 Signs as evidence
- 33.08 Judgment
- 33.09 Commitment and length of confinement
- 33.10 Disposition of fines; fees; payment of jurors
- 33.11 Warrant fine

#### • **33.01 SHORT TITLE.**

This chapter shall be known and may be cited as the AMunicipal Court Chapter of the Village of Jones Creek, Texas@.  
(Ord. XI, passed 4-28-1970)

#### • **33.02 CLERK; DEPUTY CLERK.**

(A) As permitted by Tex. Government Code ' 29.010, a Clerk of the Municipal Court shall be appointed by the Village Council to keep the minutes of the proceedings of said court, issue all process, and generally perform all the duties of the Clerk of the Court as prescribed by law for a County Clerk insofar as the same may be applicable.

(B) As permitted by Tex. Local Government Code ' 23.051 and Tex. Government Code ' 29.010, the Village Council may also appoint a Deputy Clerk for said court who shall perform such duties in the absence of the Clerk of said court.

(C) The Clerk first appointed hereunder shall hold his or her term of office corresponding to the unexpired term of the present Mayor and every two years thereafter a Municipal Court Clerk for said village shall be appointed for a term of two years. A Deputy Clerk shall hold office for a term corresponding to that of the Clerk of said court. Any person appointed Clerk or Deputy Clerk of the Municipal Court of said village under the provisions of this section shall hold his or her term of office for the term appointed and until his or her successor has been appointed and qualifies.

(D) The Clerk and Deputy Clerk of said court shall receive such compensation as may be fixed from time to time by the affirmative vote of the majority of the Aldermen present and voting at any regular or special meeting of the Village Council, and in addition thereto, shall be reimbursed for authorized expenditures incurred on behalf of said village. At the time any person is appointed as Clerk or Deputy Clerk of the Municipal Court of said village, his or her bond and security shall be prescribed by the Village Council.

(Ord. XI, passed 4-28-1970; Ord. 185, passed 9-6-1984; Ord. 229, passed 11-14-1988)

### · 33.03 COURT SEAL.

As required by Tex. Code of Criminal Procedure Art. 45.02 (1965), the Mayor shall procure a seal for the Municipal Court of said village which shall have a star of five points in the center and the words AMunicipal Court in the Village of Jones Creek, Texas@, and he or she is hereby authorized to purchase the same out of the General Fund of said village.

(Ord. XI, passed 4-28-1970)

### · 33.04 JUDGE.

(A) As permitted by Tex. Government Code ' 22.004, the Village Council hereby ordained that the Municipal Court of said village shall be presided over by a Municipal Court Judge to be appointed, as provided in Government Code ' 22.004 and this section. Such Judge shall possess the qualifications of an elector of said village, and the Judge first appointed hereunder shall hold his or her term of office corresponding to the unexpired term of the present Mayor and every two years thereafter a Municipal Court Judge for said village shall be appointed for a term of two years. Any person appointed Judge of the Municipal Court of said village under the provisions of this section shall hold his or her term of office for the term appointed and until his or her successor has been appointed and qualified. The Judge of said court shall receive such compensation as may be fixed from time to time by the affirmative vote of a majority of the Aldermen present and voting at any regular or special meeting of the Village Council and, in addition thereto, shall be reimbursed for authorized expenditures incurred on behalf of said village. At the time any person is appointed as Judge of the Municipal Court of said village, his or her bond and security shall be prescribed by the Village Council.

(B) As permitted by Tex. Government Code ' 22.004, the Village Council shall appoint an alternate Municipal Court Judge to sit for the regular Municipal Court Judge when such regular Municipal Court Judge is temporarily unable to act for any reason. The person appointed alternate Municipal Court Judge shall have the qualifications, powers, and duties of the office and shall receive such compensation as may be fixed from time to time by the affirmative vote of a majority of the Aldermen present and voting at any regular or special meeting of the Village Council and, in addition thereto, shall be reimbursed for authorized expenditures incurred on behalf of said village. At the time any person is appointed as alternate Municipal Court Judge of said village, his or her bond and security shall be prescribed by the Village Council. Any person appointed alternate Municipal Court Judge by the Village Council shall serve at the pleasure of the Village Council and may be removed by such Council at any time with or without cause.

(Ord. XI, passed 4-28-1970; Ord. 124, passed 6-19-1980; Ord. 185, passed 9-6-1984)

▪ **33.05 RULES OF PRACTICE AND PROCEDURE.**

Except as otherwise provided in this chapter or the laws of the state, the rules of practice and procedure prescribed by the laws of the state for the trial of criminal cases in the justice of the peace courts shall be the rules of practice and procedure before the Municipal Court.

(Ord. XI, passed 4-28-1970)

▪ **33.06 JUDICIAL NOTICE.**

The Municipal Court shall take judicial notice of all ordinances of said village as well as judicial notice of the corporate limits of said village.

(Ord. XI, passed 4-28-1970)

▪ **33.07 SIGNS AS EVIDENCE.**

(A) In any action tried in the Municipal Court, proof of the existence of any speed limit sign on or alongside any public highway, street, or road in the village shall constitute prima facie proof of all facts necessary to establish the proper and lawful designation of the speed limit thereon stated as such place and the proper and lawful installation of such sign by competent authority.

(B) In any action tried in the Municipal Court, proof of the existence of any traffic-control device or any traffic-control signal, as those terms are defined in ' 18 of the Uniform Act Regulating Traffic on Highways of the state, codified as Tex. Transportation Code ' 541.304, on or alongside any public highway, street, or road in said village shall constitute prima facie proof of all facts necessary to establish the proper and lawful installation of such device or signal at such place by competent authority. Provided, however, the prima facie proof herein provided for may be rebutted by any party to such action.

(Ord. XI, passed 4-28-1970)

▪ **33.08 JUDGMENT.**

The judgment, in the case of conviction in all actions before the Municipal Court, shall be that the state, for the use and benefit of the village, recover of the defendant the fine assessed and that the defendant remain in the custody of the Village Marshal until such fine is paid or otherwise discharged by law; and that execution issue to collect the same.

(Ord. XI, passed 4-28-1970)

▪ **33.09 COMMITMENT AND LENGTH OF CONFINEMENT.**

(A) All persons committed to the custody of the Village Marshal by the Recorder or Judge of the Municipal Court of said village shall be kept at a contracted jail determined by Council, at a rate set by the court or Judge.

(B) The provisions of division (A) above shall not apply to any judgment of the Municipal Court satisfied by commitment to jail where the defendant has been released prior to the effective date hereof. (Ord. XI, passed 4-28-1970; Ord. 176, passed 12-19-1983; Ord. 218, passed 10-12-1987)

▪ **33.10 DISPOSITION OF FINES; FEES; PAYMENT OF JURORS.**

(A) Each juror in a case in the Municipal Court shall be entitled to a sum of money for each day or fraction of a day that he or she serves as a juror, to be paid out of the General Fund by the Village Secretary/Administrator on order of the Judge presiding in said court.

(B) All fines and court costs collected in the Municipal Court shall be delivered to the Village Secretary/Administrator to be deposited in the General Fund.

(C) Whenever a case is dismissed under the provisions of Tex. Transportation Code Chs. 541 to 545, because the defendant has successfully completed a driving safety course as a condition precedent to such dismissal, the Court Clerk shall collect from such defendant a special expense of \$10 for the services of the personnel of the Municipal Court performed in connection with such case. (Shall not apply to any cases where the dismissal order was signed before the effective date hereof.)

(D) There is hereby created a fund to be known as the Municipal Court Technology Fund. Each defendant convicted of a misdemeanor offense in the Municipal Court is hereby required to pay a \$4 technology fee as cost of court. Provided, however, such Fund may only be expended for one or more of the purposes specified in Tex. Code of Criminal Procedure Art. 102.0172(d).

(E) There is hereby created a fund to be known as the Municipal Court Building Security Fund. Each defendant convicted of a misdemeanor offense in the Municipal Court is hereby required to pay a \$3 security fee as cost of court. Provided, however, such Fund may only be expended for one or more



of the purposes specified in Tex. Code of Criminal Procedure Art. 102.017.  
(Ord. XI, passed 4-28-1970; Ord. 85, passed 8-22-1977; Ord. 115, passed 12-3-1979; Ord. 218, passed 10-12-1987; Ord. 373, passed 9-16-2003; Ord. 428, passed 2-16-2010)

▪ **33.11 WARRANT FINE.**

As permitted by Tex. Code of Criminal Procedure Art. 102.011, a special expense of \$50 shall be assessed as part of the costs of court for the issuance and service of a warrant of arrest, and the same shall be paid into the Village Treasury for the use and benefit of the village.  
(Ord. 176, passed 12-19-1983)



## CHAPTER 34: ORGANIZATIONS

### Section

#### *Police Reserve Force*

- 34.01 Short title
- 34.02 Established
- 34.03 Qualifications and standards of training
- 34.04 Members
- 34.05 Duties and powers
- 34.06 Compensation

#### *Planning and Zoning Commission*

- 34.20 Short title
- 34.21 Established
- 34.22 Appointment of members
- 34.23 Rules of procedure
- 34.24 Powers and duties

### ***POLICE RESERVE FORCE***

#### **▪ 34.01 SHORT TITLE.**

This subchapter shall be known and may be cited as the APolice Reserve Force Subchapter of the Village of Jones Creek, Texas@.  
(Ord. 216, passed 6-11-1987)

#### **▪ 34.02 ESTABLISHED.**

There is hereby established for the village a Police Reserve Force, the members of which shall be appointed and approved, possess the qualifications and meet the standards of training, have the duties and powers, and be compensated as provided for in this subchapter. Provided, however, the membership of such Police Reserve shall never exceed 15 members at any one time.

(Ord. 216, passed 6-11-1987; Ord. 415, passed 5-19-2009)

• **34.03 QUALIFICATIONS AND STANDARDS OF TRAINING.**

To be eligible for appointment as a member of the Police Reserve Force, a person shall meet the minimum physical, mental, and moral standards established by the state=s Commission on Law Enforcement prior to his or her appointment and shall meet the minimum educational standards established by said Commission within the time required by said Commission; failing which, such person shall automatically forfeit his or her position as a member of such Police Reserve Force and shall be removed therefrom by the Village Marshal. Any member of the Police Reserve Force who has not met such minimum educational standards prior to his or her appointment shall be regarded as a temporary or probationary member, and his or her temporary or probationary appointment shall not extend beyond the time permitted by such Commission for renewal of appointment or otherwise.

(Ord. 216, passed 6-11-1987)

• **34.04 MEMBERS.**

Members of the Police Reserve Force shall be appointed at the discretion of the Village Marshal, but no person appointed to the Police Reserve Force may carry a weapon or otherwise act as a peace officer until he or she has been approved by the affirmative vote of a majority of the Aldermen present and voting at a regular or special meeting thereof. Provided, however, any member may be removed at any time at the discretion of the Village Marshal, and shall be removed by said Marshal if he or she is appointed as a probationary member and fails to meet the minimum educational standards provided in ' 34.03 within the period of time specified therein.

(Ord. 216, passed 6-11-1987)

• **34.05 DUTIES AND POWERS.**

Members of the Police Reserve Force shall serve as peace officers during the actual discharge of official duties. After approval of his or her appointment by the Village Council, a member may carry a weapon only when authorised by the Village Marshal and when discharging official duties as a duly constituted peace officer. Members of such Police Reserve Force shall serve at the discretion of the Village Marshal and may be called into service at any time said Marshal considers it necessary to have additional officers to preserve the peace and enforce the law. Such reserve police officers shall act only in a supplementary capacity to the Village Marshal and shall in no case assume the full-time duties of said Marshal or the full-time duties of a Deputy Marshal or other regular police officer without first complying with all requirements of law including, but not limited to, being approved as a Deputy Marshal or other regular police officer by the Village Council. Provided, however, nothing herein shall be construed to effect in any way the power of the Mayor to summon into service a special police force as provided in Tex. Local Government Code ' 341.011.

(Ord. 216, passed 6-11-1987)

▪ **34.06 COMPENSATION.**

Members of the Reserve Police Force shall each receive a designated sum for each weekend shift actually worked in the performance of official duties to be paid not later than the last day of each month beginning in June of 2009. As used herein, **WEEKEND** shall mean the period of time beginning at 11:00 p.m. on Friday and ending at 11:00 p.m. on Sunday, and the term **SHIFT** shall mean a period of time consisting of eight hours during any such weekend. Further, at this time the village is not in a financial position to provide for hospital and medical assistance to a member of such Police Reserve Force who sustains injury in the course of performing his or her official duties and, therefore, no provision is made for such assistance at this time.

(Ord. 216, passed 6-11-1987; Ord. 257, passed 10-18-1990; Ord. 415, passed 5-19-2009)

***PLANNING AND ZONING COMMISSION***

▪ **34.20 SHORT TITLE.**

This subchapter shall be known and may be cited as the APlanning and Zoning Commission Subchapter of the Village of Jones Creek, Texas@.

(Ord. 52, passed 1-16-1975; Ord. 207, passed 6-9-1986)

▪ **34.21 ESTABLISHED.**

There is hereby established for the village a Planning and Zoning Commission consisting of five members.

(Ord. 52, passed 1-16-1975; Ord. 207, passed 6-9-1986)

▪ **34.22 APPOINTMENT OF MEMBERS.**

(A) Beginning in April of 1975, the Village Council shall, within 30 days after the general election of 1975 and each odd-numbered year thereafter, appoint two members of the Planning and Zoning Commission, for a term of two years. Beginning in April of 1976, the Village Council shall, within 30 days after the general election of 1976 and each even-numbered year thereafter, appoint three members of the Planning and Zoning Commission for a term of two years. Any vacancy on said Commission shall be filled at any special or regular meeting of the Village Council by a majority vote of the Aldermen present and voting at such meeting, but such appointment shall be for the unexpired term only.

(B) All members of the Planning and Zoning Commission shall be residents and real property owners in the village and shall serve without compensation.

(C) All members of the Planning and Zoning Commission shall serve at the pleasure of the Village Council and may be removed from office by the vote of a majority of the Aldermen taken at any special or regular meeting of the Village Council.

(Ord. 52, passed 1-16-1975; Ord. 207, passed 6-9-1986)

▪ **34.23 RULES OF PROCEDURE.**

The Planning and Zoning Commission shall hold its organizational meeting on January 21, 1975, at which time it shall elect one of its number as Chairperson and one of its number as Secretary to serve until its regular meeting in June of 1975, and shall at such organizational meeting establish its own rules of procedure which shall include the following, to-wit:

(A) A quorum shall consist of a majority of the members of the Commission and an affirmative vote of a majority of those present shall be necessary to pass upon pending questions, the Chairperson being entitled to vote upon any question;

(B) All meetings shall be open to the public and a record of all proceedings shall be kept by the Secretary of said Commission, which record shall be filed with the Village Secretary/Administrator and maintained as a public record;

(C) Provide for not more than one regular meeting per month to be held at a time and on a day specified in such rules. Provided, however, such rules shall provide for at least one regular meeting per year to be held at a time and on a day during the month of June specified in such rules;

(D) Provide for an unlimited number of special meetings to be held at the call of the Chairperson or, upon his or her refusal or failure to act, upon the call of a quorum of the members of said Commission; and

(E) Provide for the posting of at least 72 hours= written notice of the date, time, place, and subject of a regular or any special meeting of said Commission on the bulletin board of said village maintained at the Village Hall.

(Ord. 52, passed 1-16-1975; Ord. 207, passed 6-9-1986)

▪ **34.24 POWERS AND DUTIES.**

The Planning and Zoning Commission shall have the following powers and duties, to-wit:

(A) Make and recommend to the Village Council for adoption a zoning plan and recommend or disapprove proposed changes in such plan in accordance with the provisions of the state=s Zoning Act, Tex. Local Government Code Ch. 211;

(B) Elect from its number at its regular meeting in June of each year a Chairperson and a Secretary

to serve for a term of one year;

(C) Hold all meetings at the Village Hall unless a different place is specified in the public notice of such meeting;

(D) Amend its rules of procedure at any regular meeting; and

(E) Perform such other duties and have such other powers as may from time to time be prescribed by the constitution and laws of the state or by ordinance duly adopted by the Village Council.  
(Ord. 52, passed 1-16-1975; Ord. 207, passed 6-9-1986)





## CHAPTER 35: EMERGENCY MANAGEMENT

### Section

- 35.01 Organization
- 35.02 Powers and duties of Director
- 35.03 Emergency management plan
- 35.04 Inter-jurisdictional program
- 35.05 Liability
- 35.06 Commitment of funds
- 35.07 Offenses
- 35.08 Conflict with state or federal statutes
  
- 35.99 Penalty

### • 35.01 ORGANIZATION.

There exists the office of Emergency Management Director of the village, which shall be appointed by the Mayor in accordance with state law.

(A) An Emergency Management Coordinator may be appointed by, and serve at the pleasure of, the Director.

(B) The Director shall be responsible for a program of comprehensive emergency management within the village and for carrying out the duties and responsibilities set forth in this chapter. He or she may delegate authority for execution of these duties to the Coordinator, but ultimate responsibility for such execution shall remain with the Director.

(C) The operational Emergency Management Organization of the village shall consist of the officers and employees of the village so designated by the Director in the emergency management plan as well as organized volunteer groups. The functions and duties of this organization shall be distributed among such officers and employees in accordance with the terms of the emergency management plan. (Ord. 233, passed 2-13-1989)

**35.02 POWERS AND DUTIES OF DIRECTOR.**

The duties and responsibilities of the Emergency Management Director shall include the following:

(A) Conducts an on-going survey of actual or potential hazards which threaten life and property within the village and an on-going program of identifying and requiring or recommending the implementation of measures which would tend to prevent the occurrence or reduce the impact of such hazards if a disaster did occur;

(B) Supervision of the development and approval of an emergency management plan for the village and shall recommend for adoption by the Village Council all mutual aid arrangements deemed necessary for the implementation of such plan;

(C) Authority to declare a local state of disaster. The declaration may not be continued or renewed for a period in excess of seven days except by, or with the consent of, the Village Council. Any order or proclamation declaring, continuing, or terminating a local state of disaster shall be given prompt and general publicity and shall be filed promptly with the Village Secretary/Administrator;

(D) Issuance of necessary proclamation, regulations, or directives which are necessary for carrying out the purposes of this chapter. Such proclamation, regulations, or directives shall be disseminated promptly by means calculated to bring its contents to the attention of the general public and, unless circumstances attendant on the disaster prevent or impede, promptly filed with the Village Secretary/Administrator;

(E) Direction and control of the operations of the Emergency Management Organization of the village as well as the training of emergency management personnel;

(F) Determination of all questions of authority and responsibility that may arise within the Emergency Management Organization of the village;

(G) Maintenance of liaison with other municipal, county, district, state, regional, or federal emergency management organizations;

(H) Marshaling of all necessary personnel, equipment, or supplies from any department of the village to aid in the carrying out of the provisions of the emergency management plan;

(I) Supervision of the drafting and execution of mutual aid agreements in cooperation with the representatives of the state and other local political subdivisions of the state, and the drafting and execution, if deemed desirable, of an agreement with the county in which said village is located and with other municipalities within the county for the county-wide coordination of emergency management efforts;

(J) Supervision of, and final authorization for, the procurement of all necessary supplies and equipment, including acceptance of private contributions which may be offered for the purpose of

improving emergency management within the village;

(K) Authorizing of agreements, after approval by the Village Attorney, for use of private property for public shelter and other purposes;

(L) Survey of the availability of existing personnel, equipment, supplies, and services which could be used during a disaster as provided for herein; and

(M) Other requirements as specified in Tex. Government Code Ch. 418.  
(Ord. 233, passed 2-13-1989)

▪ **35.03 EMERGENCY MANAGEMENT PLAN.**

A comprehensive emergency management plan shall be developed and maintained in a current state. The plan shall set forth the form of the organization; establish and designate divisions and functions; assign responsibilities, tasks, duties, and powers; and designate officers and employees to carry out the provisions of this chapter. As provided by state law, the plan shall follow the standards and criteria established by the state=s Division of Emergency Management. Insofar as possible, the form of organization, titles, and terminology shall conform to the recommendations of the state=s Division of Emergency Management. When approved, it shall be the duty of all departments and agencies to perform the functions assigned by the plan and to maintain their portion of the plan in a current state of readiness at all times. The emergency management plan shall be considered supplementary to this chapter and have the effect of law during the time of disaster.

(Ord. 233, passed 2-13-1989)

▪ **35.04 INTER-JURISDICTIONAL PROGRAM.**

The Mayor is hereby authorized to join with the County Judge and the mayors of the other cities in said county in the formation of an Emergency Management Council for the county and shall have the authority to cooperate in the preparation of a joint emergency management plan and in the appointment of a Joint Emergency Management Coordinator, as well as all powers necessary to participate in a county-wide program of emergency management insofar as said program may affect the village.

(Ord. 233, passed 2-13-1989)

▪ **35.05 LIABILITY.**

This chapter is an exercise by the village of its governmental functions for the protection of the public peace, health, and safety and neither the village, the agents and representatives of said village, nor any individual, receiver, firm, partnership, corporation, association, or trustee, nor any of the agents thereof, in good faith carrying out, complying with, or attempting to comply with, any order, rule, or regulation promulgated pursuant to the provisions of this chapter shall be liable for any damage sustained to persons as the result of said activity. Any person owning or controlling real estate or

premises who voluntarily and without compensation grants to the village a license of privilege, or otherwise permits the village to inspect, designate, and use the whole or any part or parts of such real estate or premises for the purpose of sheltering persons during an actual, impending, or practice enemy attack or natural or human-made disaster shall, together with his or her successors in interest, if any, not be civilly liable for the death of, or injury to, any person on or about such real estate or premises under such license privilege or other permission or for loss of, or damage to, the property of such person. (Ord. 233, passed 2-13-1989)

▪ **35.06 COMMITMENT OF FUNDS.**

No person shall have the right to expend any public funds of the village in carrying out any emergency management activity authorized by this chapter without prior approval by the Village Council, nor shall any person have any right to bind the village by contract, agreement, or otherwise without prior and specific approval of the Village Council unless during a declared disaster. During a declared disaster, the Mayor may expend and/or commit public funds of the village when deemed prudent and necessary for the protection of health, life, or property. (Ord. 233, passed 2-13-1989)

▪ **35.07 OFFENSES.**

(A) It shall be unlawful for any person willfully to obstruct, hinder, or delay any member of the Emergency Management Organization in the enforcement of any rule or regulation issued pursuant to this chapter, or to do any act forbidden by any rule or regulation issued pursuant to the authority contained in this chapter.

(B) It shall likewise be unlawful for any person to wear, carry, or display any emblem, insignia, or other means of identification as a member of the Emergency Management Organization of the village, unless authority to do so has been granted to such person by the proper officials.

(C) Any unauthorized person who shall operate a siren or other device so as to simulate a warning signal, or the termination of a warning, shall be deemed guilty of a violation of this chapter and shall be subject to the penalties imposed by this chapter. (Ord. 233, passed 2-13-1989) Penalty, see ' 35.99

▪ **35.08 CONFLICT WITH STATE OR FEDERAL STATUTES.**

This chapter shall not be construed so as to conflict with any state or federal statute or with any military or naval order, rule, or regulation. (Ord. 233, passed 2-13-1989)

• **35.99 PENALTY.**

Convictions for violations of the provisions of this chapter shall be punishable by a fine not to exceed \$500.

(Ord. 233, passed 2-13-1989)



## CHAPTER 36: RECORDS MANAGEMENT

### Section

- 36.01 Short title
- 36.02 Definitions
- 36.03 Records declared public property
- 36.04 Policy
- 36.05 Designation of Records Management Officer
- 36.06 Duties of Records Management Officer
- 36.07 Establishment of Records Management Committee
- 36.08 Management plan
- 36.09 Duties and responsibilities of department heads
- 36.10 Designation of Records Liaison Officers
- 36.11 Duties and responsibilities of Records Liaison Officers
- 36.12 Records control schedules
- 36.13 Implementation of records control schedules
- 36.14 Destruction of unscheduled records
- 36.15 Records center
- 36.16 Effective date

#### ▪ **36.01 SHORT TITLE.**

This chapter shall be known and may be cited as the ARecords Management Chapter of the Village of Jones Creek, Texas@.  
(Ord. 259, passed 12-13-1990)

#### ▪ **36.02 DEFINITIONS.**

For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

**DEPARTMENT HEAD.** The officer who, by ordinance, order, or administrative policy, is in charge of an office of the village that creates or receives records.

**ESSENTIAL RECORD.** Any record of the village necessary to the resumption or continuation of operations of the village in an emergency or disaster to the re-creation of the legal and financial status

of the village, or to the protection and fulfillment of obligations to the people of the state.

***PERMANENT RECORD.*** Any record of the village for which the retention period on a records control schedule is given as permanent.

***RECORDS CONTROL SCHEDULE.*** A document prepared by, or under the authority of, the Records Management Officer listing the records maintained by the village, their retention periods, and other records disposition information that the records management program may require.

***RECORDS LIAISON OFFICERS.*** The persons designated under ' 36.10.

***RECORDS MANAGEMENT.*** The application of management techniques to the creation, use, maintenance, retention, and disposal of records for the purposes of reducing the costs and improving the efficiency of recordkeeping. The term includes the development of records control schedules; the management of filing and information retrieval systems; the protection of essential and permanent records; the economical and space-effective storage of inactive records; control over the creation and distribution of forms, reports, and correspondence; and the management of micrographics and electronic and other records storage systems.

***RECORDS MANAGEMENT COMMITTEE.*** The Committee established in ' 36.07.

***RECORDS MANAGEMENT OFFICER.*** The person designated in ' 36.05.

***RECORDS MANAGEMENT PLAN.*** The plan developed under ' 36.08.

***RETENTION PERIOD.*** The minimum time that must pass after the creation, recording, or receipt of a record, or the fulfillment of certain actions associated with a record, before it is eligible for destruction.

***VILLAGE.*** The Village of Jones Creek in Brazoria County, Texas.

***VILLAGE RECORDS.*** All documents, papers, letters, books, maps, photographs, sound or video recordings, microfilm, magnetic tape, electronic media, or other information recording media, regardless of physical form or characteristic, and regardless of whether public access to it is open or restricted under the laws of the state, created or received by the village or any of its officers or employees pursuant to law or in the transaction of public business are hereby declared to be the ***RECORDS OF THE VILLAGE*** and shall be created, maintained, and disposed of in accordance with the provisions of this chapter or procedures authorized by it and in no other manner.  
(Ord. 259, passed 12-13-1990)

### **' 36.03 RECORDS DECLARED PUBLIC PROPERTY.**



All village records, as defined in ' 36.02, are hereby declared to be the property of the village. No village official or employee has, by virtue of his or her position, any personal or property rights to such records even though he or she may have developed or compiled them. The unauthorized destruction, removal from files, or use of such records is prohibited.

(Ord. 259, passed 12-13-1990) Penalty, see ' 10.99

**' 36.04 POLICY.**

It is hereby declared to be the policy of the village to provide for efficient, economical, and effective controls over the creation, distribution, organization, maintenance, use, and disposition of all village records through a comprehensive system of integrated procedures for the management of records from their creation to their ultimate disposition consistent with the requirements of the state=s Local Government Records Act, Tex. Local Government Code Chs. 201 to 205 and accepted records management practice.

(Ord. 259, passed 12-13-1990)

**' 36.05 DESIGNATION OF RECORDS MANAGEMENT OFFICER.**

The Village Secretary/Administrator and the successive holders of said office shall serve as Records Management Officer for the village. As provided by state law, each successive holder of the office shall file his or her name with the Director and Librarian of the Texas State Library within 30 days of the initial designation or of taking up the office, as applicable.

(Ord. 259, passed 12-13-1990)

**' 36.06 DUTIES OF RECORDS MANAGEMENT OFFICER.**

In addition to other duties assigned in this chapter, the Records Management Officer shall:

(A) Administer the records management program and provide assistance to department heads in its implementation;

(B) Plan, formulate, and prescribe records disposition policies, systems, standards, and procedures;

(C) In cooperation with department heads, identify essential records and establish a disaster plan for each village office and department to ensure maximum availability of the records in order to re-establish operations quickly and with minimum disruption and expense;

(D) Develop procedures to ensure the permanent preservation of the historically valuable records of the village;

(E) Establish standards for filing and storage equipment and for recordkeeping supplies;

(F) Study the feasibility of and, if appropriate, establish a uniform filing system and a forms design and control system for the village;

(G) Provide records management advice and assistance to all village departments by preparation of a manual or manuals of procedure and policy, and by on-site consultation;

(H) Monitor records retention schedules and administrative rules issued by the State Library and Archives Commission to determine if the records management program and the village=s records control schedules are in compliance with state regulations;

(I) Disseminate to the Village Council and department heads information concerning state laws and administrative rules relating to local government records;

(J) Instruct Records Liaison Officers and other personnel in policies and procedures of the records management plan and their duties in the records management program;

(K) Direct Records Liaison Officers or other personnel in the conduct of records inventories in preparation for the development of records control schedules, as required by the state law and this chapter;

(L) Ensure that the maintenance, preservation, microfilming, destruction, or other disposition of the village records is carried out in accordance with the policies and procedures of the records management program and the requirements of state law;

(M) Maintain records on the volume of records destroyed under approved records control schedules, the volume of records microfilmed or stored electronically, and the estimated cost and space savings as the result of such disposal or disposition;

(N) Report annually to the Village Council on the implementation of the records management plan in each department of the village, including summaries of the statistical and fiscal data compiled under ' 36.13; and

(O) Bring to the attention of the Village Council non-compliance by department heads or other village personnel with the policies and procedures of the records management program or the state=s Local Government Records Act, Tex. Local Government Code Chs. 201 to 205.  
(Ord. 259, passed 12-13-1990)

#### • **36.07 ESTABLISHMENT OF RECORDS MANAGEMENT COMMITTEE.**

(A) A Records Management Committee consisting of the Mayor, Village Secretary/Administrator, and Village Marshal is hereby established.

(B) The Committee shall:

(1) Assist the Records Management Officer in the development of policies and procedures governing the records management program;

(2) Review the performance of the program on a regular basis and propose changes and improvements if needed;

(3) Review and approve records control schedules submitted by the Records Management Officer;

(4) Give final approval to the destruction of records in accordance with approved records control schedules; and

(5) Actively support and promote the records management program throughout the village.  
(Ord. 259, passed 12-13-1990)

• **36.08 MANAGEMENT PLAN.**

(A) The Records Management Officer and the Records Management Committee shall develop a records management plan for the village for submission to the Village Council. The plan must contain policies and procedures designed to reduce the costs and improve the efficiency of recordkeeping, to adequately protect the essential records of the village, and to properly preserve those records of the village that are of historical value. The plan must be designed to enable the Records Management Officer to carry out his or her duties prescribed by state law and this chapter effectively.

(B) Once approved by the Village Council, the records management plan shall be binding on all offices, departments, divisions, programs, commissions, bureaus, boards, committees, or similar entities of the village and records shall be created, maintained, stored, microfilmed, or disposed of in accordance with the plan.

(C) State law relating to the duties, other responsibilities, or recordkeeping requirements of a department head do not exempt the department head or the records in the department head's care from the application of this village, and the records management plan adopted under it, and may not be used by the department head as a basis for refusal to participate in the records management program of the village.

(Ord. 259, passed 12-13-1990)

• **36.09 DUTIES AND RESPONSIBILITIES OF DEPARTMENT HEADS.**

In addition to other duties assigned in this chapter, department heads shall:

(A) Cooperate with the Records Management Officer in carrying out the policies and procedures established in the village for the efficient and economical management of records and in carrying out the requirements of this chapter;

(B) Adequately document the transaction of government business and the services, programs, and duties for which the department head and his or her staff are responsible; and

(C) Maintain the records in his or her care and carry out their preservation, microfilming, destruction, or other disposition only in accordance with the policies and procedures of the records management program of the village and the requirements of this chapter.

(Ord. 259, passed 12-13-1990)

#### • **36.10 DESIGNATION OF RECORDS LIAISON OFFICERS.**

Each department head shall designate a member of his or her staff to serve as Records Liaison Officer for the implementation of the records management program in the department. If the Records Management Officer determines that in the best interests of the records management program more than one Records Liaison Officer should be designated for a department, the department head shall designate the number of Records Liaison Officers specified by the Records Management Officer. Persons designated as Records Liaison Officers shall be thoroughly familiar with all the records created and maintained by the department and shall have full access to all records of the village maintained by the department. In the event of the resignation, retirement, dismissal, or removal by action of the department head of a person designated as a Records Liaison Officer, the department head shall promptly designate another person to fill the vacancy. A department head may serve as Records Liaison Officer for his or her department.

(Ord. 259, passed 12-13-1990)

#### • **36.11 DUTIES AND RESPONSIBILITIES OF RECORDS LIAISON OFFICERS.**

In addition to other duties assigned in this chapter, Records Liaison Officers shall:

(A) Conduct or supervise the conduct of inventories of the records of the department in preparation for the development of records control schedules;

(B) In cooperation with the Records Management Officer, coordinate and implement the policies and procedures of the records management program in their departments; and

(C) Disseminate information to department staff concerning the records management program.  
(Ord. 259, passed 12-13-1990)

#### • **36.12 RECORDS CONTROL SCHEDULES.**

(A) The Records Management Officer, in cooperation with department heads and Records Liaison Officers, shall prepare records control schedules on a department, by department basis, listing all records created or received by the department and the retention period of each record. Records control schedules shall also contain such other information regarding the disposition of village records as the records management plan may require.

(B) Each records control schedule shall be monitored and amended as needed by the Records Management Officer on a regular basis to ensure that it is in compliance with records retention schedules issued by the state, and that it continues to reflect the recordkeeping procedures and needs of the department and the records management program of the village.

(C) Before its adoption, a records control schedule or amended schedule for a department must be approved by the department head, the village's legal counsel, and the Village Council.

(D) Before its adoption, a records control schedule must be submitted to, and accepted for filing by, the Director and Librarian as provided by state law. If a schedule is not accepted for filing, the schedule shall be amended to make it acceptable for filing. The Records Management Officer shall submit the records control schedules to the Director and Librarian.

(Ord. 259, passed 12-13-1990)

▪ **36.13 IMPLEMENTATION OF RECORDS CONTROL SCHEDULES.**

(A) A records control schedule for a department that has been approved and adopted under ' 36.08 shall be implemented by department heads and Records Liaison Officers according to the policies and procedures of the records management plan.

(B) A record whose retention period has expired on a records control schedule shall be destroyed unless an open records request is pending on the record, the subject matter of the record is pertinent to a pending law suit, or the department head requests in writing to the Records Management Committee that the record be retained for an additional period.

(C) Prior to the destruction of a record under an approved records control schedule, authorization for the destruction must be obtained by the Records Management Officer from the Records Management Committee.

(Ord. 259, passed 12-13-1990)

▪ **36.14 DESTRUCTION OF UNSCHEDULED RECORDS.**

A record that has not yet been listed on an approved records control schedule may be destroyed if its destruction has been approved in the same manner as a record destroyed under an approved schedule and the Records Management Officer has submitted to, and received back from, the Director and Librarian an approved destruction authorization request.

(Ord. 259, passed 12-13-1990)

▪ **36.15 RECORDS CENTER.**

A records center developed pursuant to the plan required under ' 36.08 shall be under the direct control and supervision of the Records Management Officer, policies and procedure regulating the operations and use of the records center shall be contained in the records management plan developed under ' 36.08.

(Ord. 259, passed 12-13-1990)

▪ **36.16 EFFECTIVE DATE.**

This chapter shall take effect and be in force from and after January 1, 1991.  
(Ord. 259, passed 12-13-1990)