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# CHAPTER 1

## GENERAL PROVISIONS

### ARTICLE 1.100 CODE OF ORDINANCES\*

#### **Section 1.101 Designation and Citation of Code**

The ordinances embraced in this and the following chapters, articles and sections shall constitute and be designated the "Code of Ordinances, City of Oak Leaf, Texas," and may be so cited.

#### **Section 1.102 Catchlines of Articles and Sections**

The catchlines of the several articles and sections of this code are intended as mere catchwords to indicate the contents of the article section and shall not be deemed or taken to be titles of such articles and sections, nor as any part of the articles and sections, nor, unless expressly so provided, shall they be so deemed when any of such articles and sections, including the catchlines, are amended or reenacted.

#### **Section 1.103 Definitions and Rules of Construction**

In the construction of this code, and of all ordinances and resolutions passed by the City Council, the following rules shall be observed, unless such construction would be inconsistent with the manifest intent of the City Council:

Generally - Words shall be construed in their common and usual significance unless the contrary is clearly indicated.

City - The words "the City" or "this City" shall be the City of Oak Leaf, the County of Ellis and the State of Texas.

City Council Member - As used herein shall refer to a member of the governing body of the City of Oak Leaf, Texas.

City Council - Shall refer to the governing body of the City of Oak Leaf.

City Manager, City Secretary and Other City Officers or Departments - Shall be construed to mean the city manager, city or such other municipal officers or departments, respectively, of the City of Oak Leaf, Texas. Reference to an officer or employee by title shall include his or her duly authorized assistants or representatives. The term "city clerk" shall be interpreted to mean the city secretary of the City of Oak Leaf, Texas.

Computation of Time - Whenever a notice is required to be given or an act to be done a certain length of time before any proceeding shall be had, the day on which such notice is given or such act is done shall be counted in computing the time, but the day on which such proceeding is to be had shall not be counted.

Council - Whenever the term "Council," "this Council," or "the Council" is used, it shall mean the City Council of the City of Oak Leaf, Texas.

County - The term "county" or "this county" shall mean the County of Ellis, Texas.

Gender - A word importing the masculine gender only shall extend and be applied to females and to firms, partnerships, associations and corporations as well as to males.

Month - Shall mean a calendar month.

Number - Any word importing the singular number shall include the plural and any word importing the plural number shall include the singular.

Oath - Shall be construed to include an affirmation in all cases in which, by law, an affirmation may be submitted for an oath, and in such cases the words "swear" and "sworn" shall be equivalent to the words "affirm" and "affirmed."

Official Time Standard - Whenever certain hours are named herein, they shall mean standard time or daylight savings time as may be in current use in the City.

Owner - The word "owner," applied to a building or land, shall include any part owner, joint owner, tenant in common, tenant in partnership, joint tenant or tenant by the entirety of the whole or of a part of such building or land.

Person - The word "person" shall extend and be applied to associations, corporations, firms, partnerships, fiduciaries, representatives and bodies politic and corporate as well as to individuals.

Preceding and Following - Shall mean next before and next after, respectively.

Sidewalk - Shall mean that portion of a street between the curblineline or the lateral line of a roadway, and the adjacent property line intended for the use of pedestrians.

Signature or Subscription - Shall include a mark when a person cannot write.

State - The words "the state" or "this state" shall be construed to mean the State of Texas.

Street - Shall have its commonly accepted meaning and shall include highways, sidewalks, alleys, avenues, recessed parking areas and other public rights-of-way including the entire right-of-way.

Tense - Words used in the past or present tense include the future as well as the past and present.

V.T.C.S., V.T.P.C., V.T.C.C.P., V.T.C.A. - Refer to the divisions of Vernon's Texas Statutes Annotated.

Written or In Writing - The term "written" or "in writing" shall be construed to include any representation of words, letters, or figures, whether by printing or otherwise.

Year - Shall mean a calendar year.

## **Section 1.104 Amendments to Code**

(a) All ordinances passed subsequent to the adoption of this code, which amend, repeal or in any way affect this code, may be numbered in accordance with the numbering system of this code and printed for inclusion therein. When subsequent ordinances repeal any chapter, article, section or subsection or any portion thereof, such repealed portions may be excluded from the code by omission from reprinted pages. The subsequent ordinances as numbered and printed or omitted in the case of repeal, shall be prima facie evidence on such subsequent ordinances until such time that this code and subsequent ordinances numbered or omitted are readopted as a new code by the City Council.

(b) Amendments to any of the provisions of this code shall be made by amending such provisions by specific reference to the article and section number of this code in the following language:

"That Chapter \_\_\_\_\_, Article \_\_\_\_\_, Section \_\_\_\_\_, of the Code of Ordinances, City of Oak Leaf, Texas, is hereby amended to read as follows: ... "

The new provisions shall then be set out in full as desired.

(c) In the event a new article or section not heretofore existing in the code is to be added, the following language shall be used:

"That Chapter \_\_\_\_\_, of the Code of Ordinances, City of Oak Leaf, Texas, is hereby amended by adding a section, to be number Article/Section \_\_\_\_\_, which said article/section shall read as follows: ..."

The new article or section shall then be set out in full as desired.

(d) It is hereby provided, however, that any subsequent ordinance which fails to amend this code in the manner provided for above shall not be deemed invalid as a result of such failure to follow the procedure outlined in this section.

## **Section 1.105      Supplementation of Code**

- (a) By contract or by City Personnel, supplements to this code shall be prepared and printed whenever authorized or directed by the City Council. A supplement to the code shall include all substantive permanent and general parts of ordinances passed by the City Council or adopted by initiative and referendum during the period covered by the supplement and all changes made thereby in the code. The pages of a supplement shall be so numbered that they will fit properly into the code and will, where necessary, replace pages which have become obsolete or partially obsolete, and the new pages shall be so prepared that, when they have been inserted, the code will be current through the date of the adoption of the latest ordinance included in the supplement.
- (b) In preparing a supplement to this code, all portions of the code which have been repealed shall be excluded from the code by omission thereof from reprinted pages.
- (c) When preparing a supplement to this code, the codifier (meaning the person, agency or organization authorized to prepare the supplement) may make formal, nonsubstantive changes in ordinances and parts of ordinances included in the supplement, insofar as it is necessary to do so to embody them into a unified code.

For example, the codifier may:

- (1) Organize the ordinance material into appropriate subdivisions;
- (2) Provide appropriate catchlines, headings and titles for articles, sections and other subdivisions of the code printed in the supplement and make changes in such catchlines, headings and titles;
- (3) Assign appropriate numbers to articles, sections and other subdivisions to be inserted in the code and, where necessary to accommodate new material, change existing article or section or other subdivision numbers;
- (4) Change the words "this ordinance" or words of the same meaning to "this chapter," "this article," "this section," "this subsection," etc., as the case may be; and
- (5) Make other non-substantive changes necessary to preserve the original meaning of ordinance articles or sections inserted into the code; but, in no case, shall the codifier make any change in the meaning or effect of ordinance material included in the supplement or already embodied in the code.

## **Section 1.106      General Penalty for Code Violations\***

- (a) Whenever in this code or in any ordinance of the City, an act is prohibited or is made or declared to be unlawful or an offense or a misdemeanor, or wherever in such code or ordinance the doing of an act is required or the failure to do any act is declared to be unlawful, and no specific penalty is provided therefore, the violation of any such provision of this code or any such ordinance shall be punished by a fine not exceeding \$500.00 except for:
- (1) Violations of municipal ordinances that govern fire, safety, zoning, public health and sanitation, including dumping of refuse, vegetation and litter violations in which the maximum fine shall be \$2,000.00 for each offense; and
  - (2) Violations of traffic laws and ordinances which are punishable as a Class C Misdemeanor shall be punished by a fine not to exceed \$200.00.
  - (3) Where an egregious violation exists that constitutes an immediate danger to public safety or health, each day such violation exists may be considered a separate offense.
  - (4) Where a violation has been previously adjudicated and continues to exist, or is repeated, each day such repeat violation exists may be considered a separate offense.

However, no penalty shall be greater or less than the penalty provided for the same or similar offense under the laws of the state.

- (b) Each day any violation of this code or of any ordinance shall continue shall constitute a separate offense. Any violation of any provision of this Code of Ordinances which constitutes an immediate danger to the health, safety, and welfare of the public may be enjoined in a suit brought by the City for such purposes.

State law reference – Authority of municipality to assess fines, V.T.C.A., Local Government Code, Sec. 54.001.

- (c) Unless specifically provided for in a specific ordinance, an offense under this section or any code, ordinance, rule, or police regulation amended hereby shall not require a culpable mental state. It is the intent of this section to impose strict liability for a violation of this section or any other code, ordinance, rule, or police regulation affected hereby, and a specific culpable mental state is not required.



## **Section 1.107 Severability of Parts of Code**

It is hereby declared to be the intention of the City Council that the articles, sections, paragraphs, sentences, clauses and phrases of this code are severable and, if any article, section, paragraph, sentence, clause or phrase of this code shall be declared unconstitutional by the valid judgment or decree of any court of competent jurisdiction, such unconstitutionality shall not affect any of the remaining articles, sections, paragraphs, sentences, clauses and phrases of this code since the same would have been enacted by the City Council without the incorporation in this code of any such unconstitutional article, section, paragraph, sentence, clause or phrase.

## **Section 1.108 Variances**

A property owner may request a variance from a code provision. A property owner requesting a variance must file a written Variance Request and schedule a time to present such Request to the City Council. If the Request is for a variance from building code requirements, the property owner must also submit building plans, plot plans and relevant documentation and, if the variance is approved, obtain a permit and complete the work for which the variance was approved within the time specified on the permit.

The property owner requesting the variance must also present a signed statement from all neighbors within 150 feet of the property for which the variance is requested stating whether they have an objection to such variance. The Council may authorize a variance if (1) it is not contrary to the public interest and (2) literal enforcement of the code provision would result in unnecessary hardship. A variance will not be granted to relieve a self-created or personal hardship. Nor will a variance be granted for financial reason alone or if it would result in undue hardship on another property. If 20 percent or more of the property owners within 150 feet of the property for which the variance is requested file a written protest to the requested variance, then the affirmative vote of at least three-fourths of the City Council members is required to approve the variance.

## **ARTICLE 1.200 FORM OF GOVERNMENT**

### **Section 1.201 Form of Government**

The City of Oak Leaf shall from henceforward be considered a Type A general law municipality and shall be governed by the laws affecting a Type A general law municipality.

State law reference – Type A form of government, V.T.C.A., Local Government Code, Sec. 5.001; Sec. 22.001 et seq.

## **Section 1.202      Claims Against City**

- (a) The City shall never be liable for any claim for property damage or for personal injury, whether such personal injury results in death or not, unless the person damaged or injured, or someone in his behalf, or in the event the injury results in death, the person or persons who may have a cause of action under the law by reason of such death or injury, shall, within 60 days or within six months for good causes shown from the date the damage or injury was received, give notice in writing to the mayor and City Council of the following facts:
- (1) The date and time when the injury occurred and the place where the injured person or property was at the time when the injury was received.
  - (2) The nature of the damage or injury sustained.
  - (3) The apparent extent of the damage or injury sustained.
  - (4) A specific and detailed statement of how and under what circumstances the damage or injury occurred.
  - (5) The amount for which each claimants will settle.
  - (6) The actual place of residences of each claimant by street, number, city and state on the date the claim is presented.
  - (7) In the case of personal injury or death, the names and addresses of all persons who, according to the knowledge or information of the claimant witnessed the happening of the injury or any part thereof and the names of the doctors, if any, to whose care the injured person is committed.
  - (8) In the case of property damage, the location of the damaged property at the time the claim was submitted along with the names and addresses of all persons who witnessed the happenings or damage or any part thereof.
- (b) No suit of any nature whatsoever shall be instituted or maintained against the City unless the plaintiff therein shall ever prove that previous to the filing of the original petition, the plaintiff applied to the City Council for redress, satisfaction, compensation, or relief, as the case may be, and that the same was by vote of the City Council refused.
- (c) All notices required by this article shall be effectuated by serving them upon the City at the following location:

Office of the City Secretary

City of Oak Leaf

301 Locust Drive

Oak Leaf, Texas 75154-3855

And all such notices shall be effective only when actually received in the office of the person named above.

- (d) The written notice required under this article shall be sworn to by the person claiming the damage or injuries or by someone authorized by him to do so, on his behalf. Failure to swear to the notice as required herein shall not render the notice fatally defective, but failure to so verify the notice may be considered by the City Council as a factor relating to the truth of the allegations and to the weight to be given to the allegations contained therein.

State law references—Texas Tort Claims Act, V.T.C.A., Civil Practice and Remedies Code, Ch. 101; Notice Procedures, V.T.C.A., Civil Practice and Remedies Code, Sec. 101.101.

## **ARTICLE 1.300 CITY COUNCIL**

### **Section 1.301 Election and Terms of Office**

- (a) On the first meeting of the City Council following the April 6, 1984 city elections the members of the City Council shall draw lots to determine which two council members shall serve a two-year term of office along with the duly elected mayor.
- (b) The remaining council members shall serve an initial term of one-year and thereafter shall serve two-year terms.

### **Section 1.302 Mayor Pro Tempore**

- (a) At the first meeting of the City Council after each annual city election, the City Council shall elect one council member to serve as mayor pro tempore for a term of one year. The mayor pro tempore shall perform the duties of the mayor in the absence of the mayor or in the event the mayor fails, refuses or is unable to act.
- (b) In the event the mayor and mayor pro tempore are absent, any four council members shall constitute a quorum, and they shall elect a presiding officer at the meeting at which the mayor and mayor pro tempore are absent.

## **ARTICLE 1.400 EMERGENCY MANAGEMENT**

### **Section 1.401 Organization**

There exists the office of emergency management director of the City, which shall be held 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 duties and responsibilities set forth in this article. He/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 City, shall consist of the officers and employees of the City 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.

### **Section 1.402 Director–Powers and Duties**

The duties and responsibilities of the emergency management director shall include the following:

- (a) Conduct an ongoing survey of actual or potential hazards which threaten life and property within the City and an ongoing 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 City, and shall recommend for adoption by the City Council all mutual aid arrangements deemed necessary for the implementation of such a 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 City Council. The City Council may also terminate a declaration of disaster. 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 city secretary.
- (d) Proclamations, regulations, or directives which are necessary for carrying out the purposes of this article, 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 city secretary.

- (e) Direction and control of the operations of the city's emergency management organization 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 City.
- (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 City to aid in the carrying out of the provisions of the emergency management plan.
- (i) Supervision of the drafting and execution of mutual agreements, in cooperation with the representatives of the state and of other local political subdivisions of the state, and the drafting and execution, if deemed desirable, of an agreement with the county in which said City is located and with other municipalities within the county, for the countywide 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 City.
- (k) Authorizing of agreements, after approval by the city 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.
- (m) Other requirements as specified in Texas Disaster Act 1975 (Texas Government Code, Section 418.001 et seq.).

### **Section 1.403      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 article. As provided by state law, the plan shall follow the standards and criteria established by the Texas Division of Emergency Management. Insofar as possible, the form of organization, titles and terminology shall conform to the recommendations of the Texas 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 article and have the effect of law during the time of a disaster.

**Section 1.404 Interjurisdictional 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 countywide program of emergency management insofar as said program may affect the City.

**Section 1.405 Override**

When a local state of disaster has been declared and the rules and regulations made and promulgated pursuant to this article are in effect, they shall supersede and override any existing ordinances, orders, rules and regulations if strict compliance with such ordinances, orders, rules and regulations would prevent, hinder or delay necessary action in coping with a disaster.

**Section 1.406 Liability**

This article is an exercise by the City of its governmental functions for the protection of the public peace, health, and safety and neither the City, the agents and representatives of said City, nor any individual, receiver, firm, partnership, corporation, association, or trustee, nor any of the agents thereof, in good faith carrying out, complying with or attempting to comply with, any order, rule, or regulation promulgated pursuant to the provisions of this article shall be liable for any damage sustained to persons as the result of said activity. Any person owning or controlling real estate or other premises who voluntarily and without compensation grants to the City 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 manmade disaster shall, together with his successors in interest, if any, not be civilly liable for the death of, or damage to, the property of such person.

**Section 1.407 Commitment of Funds**

No person shall have the right to expend any public funds of the City in carrying out any emergency management activity authorized by this article without prior approval by the City Council, nor shall any person have any right to bind the City by contract, agreement or otherwise without prior and specific approval of the City Council unless during a declared disaster. During a declared disaster, the mayor may expend and/or commit public funds of the City when deemed prudent and necessary for the protection of health, life, or property.

## **Section 1.408 Offenses; Penalties**

- (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 article or to do any act forbidden by any rule or regulation issued pursuant to the authority contained in this article.
- (b) It shall likewise be unlawful for any person to wear, carry, or display any emblem, insignia or any other means of identification as a member of the emergency management organization of the City, 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 article and shall be subject to the penalties imposed by this article.
- (d) Convictions for violations of the provisions of this article shall be punishable by fine in accordance with the general penalty provision found in Section 1.106 of this code.

## **ARTICLE 1.500 RECORDS MANAGEMENT\***

### **Section 1.501 Definition of Municipal 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 them is open or restricted under the laws of the state, created or received by the City 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 City and shall be created, maintained, and disposed of in accordance with the provisions of this article or procedures authorized by it and in no other manner.

### **Section 1.502 Additional Definitions**

Department Head - The officer who by ordinance or administrative policy is in charge of an office of the City that creates or receives records.

Essential Record - Any record of the City necessary to the resumption of continuation of its operations in an emergency or disaster, to the re-creation of its legal and financial status, or to the protection and fulfillment of obligations to the people of the state.

Permanent Record - Any records of the City 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 City, their retention periods, and other records disposition information that the records management program may require.

Records Management - The application of management techniques to the creation, use, maintenance retention, preservation, and disposal of records for the purposes of reducing the costs and improving the efficiency of recordkeeping. The term includes the development of record management 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 Officer - The person designated in Section 1.505 of this article.

Records Management Plan - The plan developed under Section 1.506 of this article.

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.

### **Section 1.503      Municipal Records Declared Public Property**

All municipal records as defined in Section 1.501 of this article are hereby declared to be the property of the City. No municipal official or employee has, by virtue of his or her position, any personal or property right 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.

### **Section 1.504      Policy**

It is here declared to by the policy of the City to provide for efficient, economical, and effective controls over the creation, distribution, organization, maintenance, use and disposition of all municipal records through a comprehensive system of integrated procedures for their management from creation to ultimate disposition, consistent with the requirements of the Texas Local Government Records Act and accepted records management practice.

### **Section 1.505      Designation of Records Management Officer**

The secretary of the City, and the successive holders of said office, shall serve as records management officer for the City. As provided by state law, each successive holder of the



office shall file his or her name with the director and librarian of the state library within 30 days of the initial designation or of taking up the office, as applicable.

**Section 1.506      Records Management Plan to be Developed; Approval; Authority of Plan**

- (a) The records management officer shall develop a records management plan for the City for submission to the City Council. The plan must be designed to enable the records management officer to carry out his or her duties prescribed by state law and this article effectively for the purpose of adequate preservation of public records.
- (b) Once approved by the City Council the records management plan shall be binding on all offices, departments, divisions, programs, commissions, bureaus, boards, committees, or similar entities of the City 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 article 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 City.

**Section 1.507      Duties of Records Management Officer**

In addition to other duties assigned in this article, 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 municipal 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 City;
- (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 City;

- (g) Monitor records retention schedules and administrative rules issued by the state library and archives commission to determine if the records management program and the municipality's records control schedules are in compliance with state regulations;
- (h) Disseminate to the City Council and department heads information concerning state laws and administrative rules relating to local government records;
- (i) Ensure that the maintenance, preservation, microfilming, destruction, or other disposition of the records of the City are carried out in accordance with the policies and procedures of the records management program and the requirements of state law;
- (j) Maintain records on the volume of records destroyed under approved records control schedule or through records destruction authorization requests, the volume of records microfilmed or stored electronically, and the estimated cost and space savings as the result of such disposal or disposition;
- (k) Report annually to the City Council on the implementation of the records management plan in each department of the City, including summaries of the statistical and fiscal data compiled under subsection (j); and
- (l) Bring to the attention of the City Council noncompliance by department heads or other municipal personnel with the policies and procedure of the records management program or the Local Government Records Act.

**Section 1.508      Duties and Responsibilities of Department Heads**

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

- (a) Cooperate with the records management officer in carrying out the policies and procedures established in the City for the efficient and economical management of records and in carrying out the requirements of this article;
- (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 City and the requirements of this article.

**Section 1.509      Records Control Schedules to be Developed; Approval; Filing with State**

- (a) The records management officer, in cooperation with department heads, shall prepare records control schedules on a department by department basis listing all records, series created or received by the department and the retention period of each series. Records control schedules shall also contain such other information regarding the disposition of municipal records as the records management plan may require.
- (b) Each record 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 City.
- (c) Before its adoption, a record control schedule or amended schedule for a department must be approved by the department head and the City 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.

**Section 1.510 Implementation of Records Control Schedules; Destruction of Records Under Schedule**

- (a) A records control schedule for a department that has been approved and adopted under Section 1.509 shall be implemented by department heads 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 officer 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 City Council.

**Section 1.511 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.

## **ARTICLE 1.600 FINANCIAL POLICY\***

### **Division 1. Generally**

#### **Section 1.601 Policy Established**

- (a) The City adopts this financial policy which establishes the basic financial policies of the City.
- (b) Twice a year, the mayor will review with the Council, the status of where the City's funds are invested, what rate of return is being achieved; and the timing if any, for renewals. The City Council will, upon getting this review advise the mayor of any changes, in how the funds are invested, that should be considered.

#### **Section 1.602 Selection of Investments**

The city's investment policy includes the following objectives: safety of capital, liquidity, diversification and standard of care. In selecting investments for city funds, the following procedures shall be implemented.

- (a) Safety of Capital.
  - (1) Invest in securities which are backed by the full faith and credit of the United States Government.
  - (2) Certificates of deposit or other interest bearing accounts of any bank or credit union to the extent they are fully insured by the FDIC.
  - (3) Obtain all necessary certificates of deposit when investing in bank C.D.'s.
- (b) Liquidity. Maintain sufficient liquidity to meet all operating requirements which might be reasonably anticipated.

#### **Section 1.603 Gifts**

- (a) In instances where the City purchases from suppliers of goods or services, it is expected that council members and staff will not solicit or accept a gift, personal favor or other thing of value which might interfere or be thought to interfere with the independent exercise of this judgment in the best interest of the City.

- (b) As in the case of other types of conflicts of interest, it is improper to evade these prohibitions by carrying out such activities indirectly through a spouse, child, or other relative, friend or other means.
- (c) It is not improper to give or receive advertising novelties or items of modest value legitimately used in the business community. Extended entertainment, expensive gifts or unusual favors raise justifiable suspicions that are given to create an obligation inconsistent with our responsibility to the City. No city official, or employee, may offer to give, directly or indirectly, any money or thing of significant value to a supplier or anyone if it could reasonably be viewed as being done to influence the recipient's judgment.

**Sections 1.604–1.630    Reserved**

**Division 2. Disbursement of Funds/Purchasing Policy**

**Section 1.631    Purpose**

This policy outlines the persons with authority to acquire goods and services on behalf of the City, including all capital expenditures and the principles upon which such acquisitions should be made. It also provides for the internal guidance of employees of the City.

**Section 1.632    Authority**

No person shall commit the City to agreements, licenses, contracts, leases, or other legally enforceable obligations unless authorized to do so by the mayor and City Council.

- (a) The mayor, city secretary and assistant city secretary are authorized to issue checks for payment of all routine bills for the day-to-day operations of the City.
- (b) The City Council shall appoint persons necessary for the check signing duties of the City. These shall include but not be limited to the mayor, city secretary, assistant city secretary and other council members as deemed necessary. Two signatures will be required for each check on each account issued.

**Section 1.633    Purchases**

- (a) Purchases under \$1,000.00 may be authorized by the city secretary if they are necessary for the day-to-day activity of the City. The city secretary's name shall be used as the purchase representative, and no purchase orders are required.
- (b) All purchases under \$3,000.00 but more than \$1,000.00 must be approved by the mayor or City Council.

(c) All purchases over \$3,000.00 must be approved by the City Council.

### **Section 1.634      Open Account Purchases**

This procedure authorizes various purchases from companies with whom the City conducts business on a day-to-day basis. Therefore, only small purchases up to \$500.00 may be charged on an open account. (Example: Office Depot, Home Depot, Lowe's, Ace Hardware, etc.)

### **Section 1.635      Credit Card Purchases**

Employees may use a city-issued credit card for charges in accordance with Section 1.633. However, under no circumstances shall an employee of the City use a city-issued credit card for personal use.

### **Section 1.636      Emergency Purchases**

Emergencies requiring procedures outside normal methods need to be approved by the mayor.

### **Section 1.637      Principles**

The acquisition of goods for the City will be conducted in accordance with the following principles:

- (a) **Probity.** The highest level of personal and organizational integrity must accompany each transaction.
- (b) **Performance Measurement.** Transactions will be evaluated according to contractual standards agreed upon by the City and the supplier.
- (c) **Best Value.** Each decision should be made in the overall best interest of the City and its end users through the appropriate weighing of all decision-making factors.
- (d) **Open and Fair Access.** The supply community should be aware of, and permitted to compete for, supply opportunities in their demonstrated field of expertise.