

CITY OF SANDY OAKS, TEXAS.

ORDINANCE NO. 2018-112

AN ORDINANCE OF THE CITY OF SANDY OAKS, TEXAS LIMITING THE SPENDING POWERS OF THE MAYOR, PROVIDING FOR REPEALER AND SEVERABILITY CLAUSE, PROVIDING FOR A PENALTY, PUBLICATION AND AN EFFECTIVE DATE.

WHEREAS, the City of Sandy Oaks, Texas (“City”) is a Type A General Law city incorporated and located in Bexar County, Texas; and

WHEREAS, state law provides the powers and duties of the mayor of a Type A General Law city; and

WHEREAS, state law allows the City Council to expand or limit the powers and duties of the Mayor that are not set forth in state law;

WHEREAS, the City Council approved Resolution No. 2017-72 which provided that any check, draft, withdrawal or use of municipal funds of One Hundred Dollars (\$100) or more shall require two original signatures of persons authorized by the City Council as signatories;

WHEREAS, the City Council desires to enforce the provisions of Resolution No. 2017-72 by adoption of an ordinance and impose a penalty for violation of thereof;

WHEREAS, the City Council desires to further limit the spending powers of the Mayor to provide that expenditures of the City be approved by City Council;

NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF SANDY OAKS, TEXAS:

Section 1. Preamble. The facts and recitations contained in the preamble to this Ordinance are hereby found to be true and correct and incorporated herein for all purposes.

Section 2. Power and Duties of Mayor. The City Council of the City hereby acknowledges that state law sets forth certain powers and duties of the Mayor and the Mayor shall retain all powers and duties as set forth by state law.

Section 3. Limitation of Spending Powers of Mayor. The City Council of the City hereby limits the spending powers and duties of the Mayor as follows:

- a. The Mayor may not expend municipal funds without the express approval of the City Council with the exception of expenses for day-to-day operations that are not noted in the budget as budgeted line items.
- b. Any issued check, draft, withdrawal or use of municipal funds of One Hundred Dollars (\$100) or more by the Mayor shall require two original signatures of persons authorized by the City Council as signatories. Such designated and

funds in accordance with a City Council approved expenditure include the Mayor, City Clerk or Aldermen, provided, however, two Aldermen may not serve as the two signatories to any check, draft, withdrawal or use of municipal funds.

Section 4. Repealer. To the extent reasonably possible, ordinances are to be read together in harmony. However, all ordinances, or parts thereof, that are in conflict or inconsistent with any provisions of this Ordinance are hereby repealed to the extent of such conflict, and the provisions of this Ordinance shall be and remain controlling as to the matters regulated, herein.

Section 5. Severability. In the event any clause, phrase, provision, sentence or part of this Ordinance or the application of the same to any person or circumstances shall for any reason be adjudged invalid or held unconstitutional by a court of competent jurisdiction, it shall not affect, impair, or invalidate this Ordinance as a whole or any part or provision hereof other than the part declared to be invalid or unconstitutional; and the City Council of the City declares that it would have passed each and every part of the same notwithstanding the omission of any part thus declared to be invalid or unconstitutional, or whether there be one or more parts.

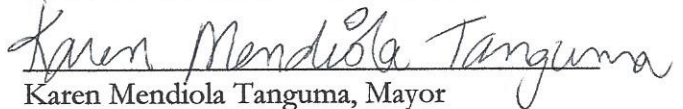
Section 6. Penalty. Any person who violates or causes, allows, or permits another to violate any provision of this Ordinance shall be deemed guilty of a misdemeanor and, upon conviction thereof, shall be punished by a fine of not more than Five Hundred Dollars (\$500.00), or, in the case of a violation of a provision of this Ordinance that governs fire safety, zoning, or public health and sanitation a fine of not more than Two Thousand Dollars (\$2,000.00) or, in the case of a violation of a provision of this Ordinance that governs the dumping of refuse a fine of not more than Four Thousand Dollars (\$4,000). Each occurrence of any such violation of this Ordinance shall constitute a separate offense. Each day on which any such violation of this Ordinance occurs shall constitute a separate offense.

Section 7. Publication. The City Clerk is hereby authorized and directed to publish the caption of this Ordinance together with the penalty provision contained herein in the manner and for the length of time prescribed by law.

Section 8. Effective Date. This Ordinance shall take effect immediately upon its publication as required by section 52.011 of the Local Government Code.

PASSED and APPROVED on this 11th day of October, 2018.

CITY OF SANDY OAKS, TEXAS


Karen Mendiola Tanguma, Mayor

ATTEST:


Katherine Yelton, City Secretary