

Chapter 2 ADMINISTRATION

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FOOTNOTE(S):

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Editor's note— The City of Alpine operates under a home rule Charter. [\(Back\)](#)

Cross reference— Civil emergencies, ch. 30; courts, ch. 38; elections, ch. 42; administration of flood damage prevention regulations, § 50-61 et seq.; law enforcement, ch. 62; taxation, ch. 90; utilities, ch. 98; administration and enforcement of zoning, app. C, art. I, § 7. [\(Back\)](#)

State Law reference— Cities, Vernon's Ann. Civ. St. art. 969a-2 et seq.; elections, V.T.C.A., Election Code § 1.001 et seq.; home rule municipalities, V.T.C.A., Local Government Code § 9.001 et seq.; extraterritorial jurisdiction of municipalities, V.T.C.A., Local Government Code § 42.001 et seq.; municipal finances, V.T.C.A., Local Government Code ch. 101 et seq.; compensation of officers, V.T.C.A., Local Government Code § 141.004; open meetings, V.T.C.A., Government Code ch. 551; public information, V.T.C.A., Government Code ch. 552. [\(Back\)](#)

ARTICLE I. IN GENERAL

[Sec. 2-1. Notice prerequisite to liability.](#)

[Sec. 2-2. Payment of fees, fines, court costs and other charges by credit card or electronic processing.](#)

[Secs. 2-3—2-35. Reserved.](#)

Sec. 2-1. Notice prerequisite to liability.

- (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

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action under the law by reason of such death or injury, shall within six months, as provided in section 9.04 of the city Charter, for good cause shown, from the date the damage or injury was received, give notice in writing to the mayor and the 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 claimant will settle;
 - (6) The actual place of residence 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 happening of the damage or any part thereof.
- (b) No suit of any nature shall be instituted or maintained against the city unless the plaintiff shall aver and prove that previous to 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 section shall be effectuated by serving them upon the mayor, city manager or city secretary, at the following location: City Office Building, 309 West Avenue D, Alpine, Texas, and all such notices shall be effective only when actually received in the office by one of the persons or officers named in this subsection.
- (d) Neither the mayor, a city council member, or any other officer or employee of the city shall have the authority to waive any of the provisions of this section.
- (e) The written notice required under this section 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 in this section 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 in the notice.

(Code 1978, § 2-4)

Sec. 2-2. Payment of fees, fines, court costs and other charges by credit card or electronic processing.

- (a) *Authorization to collect payments by credit card or by electronic means.*
- (1) Municipal officials collecting fees, fines, court costs, or other charges are hereby authorized to accept payment by credit card or by electronic means.
 - (2) In this section, the following definitions apply:

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- a. *Credit card* means a card, plate, or similar device used to make purchases on credit or to borrow money.
 - b. *Payment by electronic means* means payment by telephone or computer but does not include payment in person or by mail.
 3. *Individuals* includes persons, corporations, associations, or other businesses.
- (b) Authorization to charge a processing fee for collecting payments through a credit card.
- (1) The fee shall be in the amount of two percent of the amount being paid; the amount of the fee to be reviewed from time to time to ensure that the city is in compliance with Chapter 132 of the Local Government Code; upon review, the council may change the amount of the fee.
 - (2) The fee shall be assessed and collected from individuals agreeing to make a payment by credit card; the municipal official collecting the fee shall deposit the fee into the municipal treasury for the use and benefit of the city.
- (c) *Authorization to collect a service fee for credit cards not honored.* Municipal officials are hereby authorized to collect a service fee for credit cards that are not honored by the credit card company on which the funds are drawn; this fee shall be in addition to the original fee assessed for using the credit card to make payment; the fee shall be the same amount charged for the collection of a check drawn on an account with insufficient funds.
- (d) *Authorization to contract with a vendor and establishing fees.*
- (1) Municipal officials are hereby authorized to contract with a vendor to provide collection of city payments by credit card or by electronic means.
 - (2) Municipal officials may authorize the vendor to collect a fee for their services not to exceed an amount authorized by the city council; the amount to be reviewed from time to time to ensure that the amount is a reasonable expense to individuals paying by credit card.
 - (3) Municipal officials are hereby authorized to contract with a vendor to collect and seize credit cards that are out of date or not authorized and to charge a fee for the return of credit cards to a vendor; the amount of the fee to be determined by the city council.
- (e) *Authorization for access to public information and services through the internet.*
- (1) Municipal officials are hereby authorized to provide access to public information and services through the Internet.
 - (2) Municipal Officials are hereby authorized to charge a fee for access to public information and services provided by the city through the Internet; the amount of the fee to be determined by the city council; the fee shall be reasonable and limited to recover the costs incurred in providing the access or service; fees collected under this provision shall be deposited into the city treasury to pay the costs incurred for providing access to public information and services through the Internet.
 - (3) Municipal officials are hereby authorized to contract with a vendor to provide the city technology to provide services and access to public information.

(Ord. No. 2013-12-01, § 1-7-14)

Secs. 2-3—2-35. Reserved.

ARTICLE II. OFFICERS AND EMPLOYEES ^[2]

DIVISION 1. - GENERALLY

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DIVISION 2. - CITY ATTORNEY

DIVISION 3. - CITY MANAGER

DIVISION 4. - HEALTH INSURANCE

DIVISION 5. - RETIREMENT

FOOTNOTE(S):

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Cross reference— Any ordinance establishing or otherwise affecting the compensation of any city officer or employee, not inconsistent with this Code saved from repeal, § 1-6(13); director of consumer affairs, § 34-36; fire marshal, § 46-76 et seq.; grievance officer for fair housing, § 58-57; chief of police, § 62-36 et seq. ([Back](#))

DIVISION 1. GENERALLY

[Secs. 2-36—2-60. Reserved.](#)

Secs. 2-36—2-60. Reserved.

DIVISION 2. CITY ATTORNEY

[Sec. 2-61. Position of city attorney established; appointment; oath; tenure.](#)

[Sec. 2-62. Attorney to be lawyer; general duties.](#)

[Sec. 2-63. Compensation of attorney.](#)

[Secs. 2-64—2-85. Reserved.](#)

Sec. 2-61. Position of city attorney established; appointment; oath; tenure.

There shall be a city attorney who shall be appointed by the city council and shall hold office at the will of the council.

(Code 1978, § 2-1)

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State Law reference— Prosecutions in municipal court by city attorney, Vernon's Ann. C.C.P. art. 45.03; city attorney required, Vernon's Ann. Civ. St. art. 977.

Sec. 2-62. Attorney to be lawyer; general duties.

The city attorney shall be a licensed lawyer. His duties shall be to represent the city in all cases where the city is a party, to advise city officers upon legal questions, and to perform such other duties as may be required of him by the city council.

(Code 1978, § 2-2)

Sec. 2-63. Compensation of attorney.

The city attorney shall receive compensation as provided by the council.

(Code 1978, § 2-3)

State Law reference— Compensation for services in municipal court, Vernon's Ann. C.C.P. art. 45.09.

Secs. 2-64—2-85. Reserved.

DIVISION 3. CITY MANAGER

[Sec. 2-86. To be appointed.](#)

[Sec. 2-87. Residence.](#)

[Sec. 2-88. Tenure.](#)

[Sec. 2-89. Absence or disability.](#)

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[Sec. 2-91. Compensation and bond.](#)

[Sec. 2-92. Effect on duties of departmental heads.](#)

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[Sec. 2-94. Reserved.](#)

[Secs. 2-95—2-115. Reserved.](#)

Sec. 2-86. To be appointed.

The city council shall appoint a city manager who shall be the administrative head of the municipal government under the direction and supervision of the council.

(Code 1978, § 2-18)

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Sec. 2-87. Residence.

The city manager may or may not be a resident of the city when appointed, but during the term of his office he shall reside in the city.

(Code 1978, § 2-19)

Sec. 2-88. Tenure.

The city manager shall be appointed for an indefinite period and shall be subject to discharge at the will of the city council.

(Code 1978, § 2-20)

Sec. 2-89. Absence or disability.

During the absence or disability of the city manager, the city council shall designate a properly qualified person to perform the duties of office; however, no member of the city council shall be so designated.

(Code 1978, § 2-21)

Sec. 2-90. Powers and duties.

The powers and duties of the city manager shall be:

- (1) To devote all of his working time and attention to the affairs of the city, and be responsible to the city council for the efficient administration of its affairs.
- (2) To see that all laws and ordinances are enforced and that the city's legal authority exists before acting on the city's behalf in any matter that may involve interpretation of any law or that may cause the city to become liable in contract or in tort.
- (3) With the advice and consent of the city council, to appoint and remove all heads of departments. He shall have the power to appoint or remove all subordinate employees, subject to council approval.
- (4) To exercise supervision and control over all departments created by the city council or that may be created by the city council.
- (5) To attend all meetings of the city council with the right to take part in the discussion, but having no vote; and he shall be notified of all special meetings of the city council.
- (6) To see that all terms and conditions imposed in favor of the city and its inhabitants in any public utility franchise are faithfully kept and performed and upon knowledge of any violation thereof to call such violation to the attention of the city council.
- (7) To act as budget officer and as such to prepare and submit to the city council, prior to the beginning of each fiscal year, a budget of proposed expenditures for the ensuing year, showing in as much detail as practicable the estimated amounts required by months for the efficient operation of each department of the city government and the reasons for such estimated expenditures.

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- (8) In addition to subsection (7) of this section, the city manager shall make and file a budget as required by state law.
- (9) To make a full written report to the city council as soon after the close of each month's accounts as possible, showing the operation and expenditures of each department for the preceding month, and a comparison of such monthly expenditures, by departments, with the monthly allowances made for such departments in the annual budget, and to keep the city council fully advised at all times as to the financial condition and needs of the city.
- (10) To act as purchasing agent for the city and to purchase all merchandise, material and supplies needed by the city; and he may establish, if needed, a suitable storehouse where such supplies shall be kept and from which such supplies shall be issued as needed; and to adopt such rules and regulations governing requisitions and transaction of business between himself and such purchasing agent and the heads of the departments, officers and employees of the city as the city council may approve. He will maintain and keep an accurate, current inventory of all city property, real, personal or mixed.
- (11) To recommend to the city council the salaries to be paid each appointive officer and subordinate employee of the city; and it shall be the duty of the city council to pass ordinances or resolutions, from time to time, fixing rates of compensation.
- (12) To recommend to the city council, in writing, from time to time, for adoption, such measures as he may deem necessary or expedient.
- (13) To do and perform such other duties as may be prescribed by ordinance or resolution of the city council.

(Code 1978, § 2-22)

Sec. 2-91. Compensation and bond.

The city manager shall receive such compensation as the city council establishes as part of an employment contract between the city and the city manager, and the city council may approve the initial contract by resolution and any changes in the actual amount of compensation shall be approved by the city council by resolution.

(Code 1978, § 2-23; Ord. No. 2015-09-01, 9-15-2015)

Sec. 2-92. Effect on duties of departmental heads.

All ordinances of the city prescribing the duties of heads of departments shall remain in full force and effect except insofar as they conflict with the provisions of this article in which case the provisions of this article shall govern.

(Code 1978, § 2-24)

Sec. 2-93. Disclaimer of unlawful delegation.

Nothing contained in this division shall operate as any attempt on the part of the city to delegate any rights, duties, obligations or authority that it is not authorized by law to so delegate.

(Code 1978, § 2-25)

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Sec. 2-94. Reserved.

Editor's note— Ord. No. 2013-05-01, § 1, adopted May 21, 2013, repealed former § 2-94 in its entirety which pertained to public information requests and derived from Ord. No. 2005-5-15, adopted June 6, 2005.

Secs. 2-95—2-115. Reserved.

DIVISION 4. HEALTH INSURANCE

[Sec. 2-116. Election to participate.](#)

[Sec. 2-117. Employees covered.](#)

[Sec. 2-118. City to pay full premium.](#)

[Sec. 2-119. Employees to pay for family participation.](#)

[Sec. 2-120. Acceptance of obligations and benefits.](#)

[Secs. 2-121—2-140. Reserved.](#)

Sec. 2-116. Election to participate.

On behalf of the city, the city council hereby exercises its option and elects to have the city and all of its regular employees of all departments, participate in a health insurance plan approved by the council.

(Code 1978, § 2-72)

Sec. 2-117. Employees covered.

Each person who is an employee of the city on a regular basis shall automatically become a member of the health insurance plan.

(Code 1978, § 2-73)

Sec. 2-118. City to pay full premium.

The city council elects to pay from the general fund the full amount for each regular employee for participation in the health insurance plan.

(Code 1978, § 2-74)

Sec. 2-119. Employees to pay for family participation.

Each regular employee of the city will, at his option, be responsible for the payment of the costs, for the participation of his family in the health insurance plan, through payroll deductions.

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(Code 1978, § 2-75)

Sec. 2-120. Acceptance of obligations and benefits.

The city council hereby accepts for the city and all of its regular employees all obligations and benefits of the health insurance plan.

(Code 1978, § 2-76)

Secs. 2-121—2-140. Reserved.

DIVISION 5. RETIREMENT

[Sec. 2-141. Definitions.](#)

[Sec. 2-142. Election participate in state system.](#)

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[Sec. 2-148. Additional rights, credits and benefits, effective 1987.](#)

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[Sec. 2-151. Updated service credits and increase in retirement annuities, effective 1987.](#)

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[Sec. 2-154. Supplemental death benefits fund, effective 1988.](#)

[Sec. 2-155. Authorization of restricted prior service credit.](#)

[Sec. 2-156. Increased municipal contributions to the current service annuity reserve at retirement.](#)

[Secs. 2-157—2-175. Reserved.](#)

Sec. 2-141. Definitions.

The following words, terms and phrases, when used in this division, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

System means the Texas Municipal Retirement System.

TMRS Act means V.T.C.A., Government Code ch. 851 et seq.

(Code 1978, §§ 2-68, 2-68.1)

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Cross reference— Definitions generally, § 1-2.

Sec. 2-142. Election participate in state system.

On behalf of the city, the city council hereby exercises its option and elects to have the city and all of the employees of each department of the city, except councilmembers, city attorney and city judge, participate in the Texas Municipal Retirement System as provided in V.T.C.A., Government Code ch. 851 et seq.; and all of the benefits and obligations of such system are accepted as to such employees.

(Code 1978, § 2-61)

Sec. 2-143. Participating employees.

Each person who becomes an employee of any participating department on or after the effective date of participation of such department shall become a member of the Texas Municipal Retirement System as a condition of his employment. The city may in the future refuse to add new departments or new employees to such system, but shall never discontinue as to any participants. Administrative department employees shall continue participation as under Ordinance No. 336 without interruption of time or seniority.

(Code 1978, § 2-63)

Sec. 2-144. Determination of deposits to be made.

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 participating departments are hereby fixed at the rate of five percent of the earnings of each employee of the participating departments, and such deposits shall be calculated, from and after January 1, 1976, on the full amount of such person's earnings as an employee of the city.

(Code 1978, § 2-64)

Sec. 2-145. Initial allowance of updated service credits.

- (a) On the terms and conditions set out in V.T.C.A., Government Code §§ 853.401—853.403, each member of the Texas Municipal Retirement System who has current service credit or prior service credit in such system in force and effect on January 1, 1976, by reason of service in the employment of the city, shall be and is hereby allowed updated service credit (as that term is defined in the TMRS Act) in an amount that is 100 percent of the base updated service credit of the member, calculated as provided in the TMRS Act. The updated service credit allowed shall be in lieu of and in substitution for all prior service credits, special prior service credits and antecedent service credits, if any, heretofore allowed such member before the effective date of Ordinance No. 497 by reason of service with the city.
- (b) Subject to approval of the board of trustees of the Texas Municipal Retirement System, the updated service credits granted shall be and become effective January 1, 1976.

(Code 1978, § 2-65)

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Sec. 2-146. Initial increases in annuities in effect.

- (a) Pursuant to former Vernon's Ann. Civ. St. art. 6243h, § XVIII, and subject to approval by the board of trustees of the Texas Municipal Retirement System, as provided in the TMRS Act, the city elects to allow and to provide for payment of the increases specified in this section in all monthly benefits payable by the Texas Municipal Retirement System after January 1, 1976, to retired employees and to beneficiaries of deceased employees of the city under current service annuities and prior service annuities arising from service of such employees to the city, and in effect prior to January 1, 1976.
- (b) Each monthly benefit for the month of January 1976 and each month thereafter shall be increased by 50 percent above the amount of the regular benefit (as distinguished from any supplemental or distributive benefit) in effect for the month of December 1975.

(Code 1978, § 2-66)

Sec. 2-147. Duties of city secretary.

The city secretary is directed to remit to the board of trustees of the Texas Municipal Retirement System, at its office in Austin, Texas, the city's contributions to the system and the amounts which shall be deducted from the compensation or payroll of employees, all as required by the board under the provisions of V.T.C.A., Government Code ch. 851 et seq., and the city secretary is hereby authorized and directed to ascertain and certify officially on behalf of the city, the prior service rendered to the city by each of the employees of the participating department, 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 city, under the provisions of V.T.C.A., Government Code ch. 851 et seq., or in compliance with the rules and regulations of the board of trustees of the Texas Municipal Retirement System.

(Code 1978, § 2-67)

Sec. 2-148. Additional rights, credits and benefits, effective 1987.

- (a) Pursuant to the provisions of V.T.C.A., Government Code §§ 852.105 and 854.202, the city adopts the following provisions affecting participation of its employees in the Texas Municipal Retirement System:
 - (1) Each person who becomes an employee of any participating department of this city and who is not already a member of the Texas Municipal Retirement System shall become a member of the system as a condition of employment; provided, such person is then under 60 years of age;
 - (2) Any member, after one year from the effective date of his membership in the system, shall be eligible for service retirement if he has attained the age 50 years and has completed 25 years of creditable service with one or more municipalities that have authorized eligibility under V.T.C.A., Government Code § 854.202 or under former Vernon's Ann. Civ. St. art. 6243h, § XX, or if he has attained the age of 60 years and has completed at least ten years of creditable service with one or more municipalities that have authorized eligibility under V.T.C.A., Government Code § 854.202 or under former Vernon's Ann. Civ. St. art. 6243h, § XX;
 - (3) The membership of any person who has completed at least ten years of creditable service with participating municipalities that have authorized eligibility under V.T.C.A., Government Code § 854.202 or under former Vernon's Ann. Civ. St. art. 6243h, § XX, shall not terminate because of absence from service; and

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- (4) Any person who is an employee of a participating department of this city on January 1, 1976, but who at the date of his employment was under 60 years of age but did not become a member of the Texas Municipal Retirement System because he was then above the maximum age then prescribed by law or initial membership in the system, shall become a member of the system on January 1, 1976, unless he has already become a member under other provisions of the TMRS Act, and shall be allowed prior service credit for each month of creditable service performed for this city subsequent to the date such person was precluded from membership and prior to the effective date of his membership. Such prior service credit shall be calculated using the same percentage of base prior service credit as was most recently used in calculating prior service credits or updated service credits in the system for current member employees of this city.
- (b) The rights, credits and benefits authorized in this section authorized shall be in addition to the plan provisions heretofore adopted and in force January 1, 1976, pursuant to the TMRS Act.

(Code 1978, § 2-68(a), (b))

Sec. 2-149. Additional rights, credits and benefits, effective 1988.

Pursuant to the provisions of V.T.C.A., Government Code §§ 852.105, 854.202, 854.204, 854.405, 854.406 and 854.410, the city adopts the following provisions affecting participation of its employees in the Texas Municipal Retirement System:

- (1) An employee of the city who is a member of the system may terminate employment and remain eligible to retire and receive a service retirement annuity at any time after that member attains an applicable age and service requirement, if that member has at least ten years of credited service performed for one or more municipalities that have authorized eligibility under V.T.C.A., Government Code § 854.202(c) or are subject to V.T.C.A., Government Code § 854.102(e).
- (2) An employee of the city who is a member of the system may retire and receive a service retirement annuity if that member is at least 60 years old and has at least ten years of creditable service performed for one or more municipalities that either have authorized eligibility under this section or are subject to V.T.C.A., Government Code § 854.102(e).
- (3) Any employee of this city who is a member of the system is eligible to retire and receive a service retirement annuity, if the member has at least 25 years of credited service in that system performed for one or more municipalities that have participation dates after September 1, 1987, or have adopted a like provision under V.T.C.A., Government Code § 854.202(f).
- (4) If a member described in V.T.C.A., Government Code § 854.204(b) shall die before becoming eligible for service retirement and leaves surviving a lawful spouse whom the member has designated as beneficiary entitled to payment of the member's accumulated contributions in the event of the member's death before retirement, the surviving spouse may by written notice filed with the system elect to leave the accumulated deposits with the system subject to the terms of V.T.C.A., Government Code § 854.204. If the accumulated deposits have not been withdrawn before such time as the member, if living, would have become entitled to service retirement, the surviving spouse may elect to receive, in lieu of the accumulated deposits, an annuity payable monthly during the lifetime of the surviving spouse in the amount that would have been payable to the surviving spouse had the member lived and retired at that date under an optional annuity described by V.T.C.A., Government Code § 854.104(c)(1).
- (5) At any time before payment of the first monthly benefit of an annuity, a surviving spouse to whom subsection (4) of this section applies may, upon written application filed with the system, receive payment of the accumulated contributions standing to the account of the member in lieu of any benefits otherwise payable under this section. If such a surviving spouse shall die before

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payment of the first monthly benefit of an annuity allowed under this section, the accumulated contributions credited to the account of the member shall be paid to the estate of such spouse.

- (6) Any employee of this city who is a member of the system and who performed service for this city prior to September 1, 1987, (for which service that employee did not receive credit with the system because the employee was not at that time a member of the system due to his age at the date of his employment) is granted service credit with the system for all of such service (performed after the date of his latest employment by the city) that is prior to September 1, 1987, for which the employee has not previously received credit with the system, pursuant to V.T.C.A., Government Code § 852.105.
- (7) The rights, credits and benefits authorized in this section shall be in addition to the plan provisions heretofore adopted and in force at the effective date of the ordinance from which this section derives pursuant to the TMRS Act.
- (8) Any employee of this city who is a member of the system is eligible to retire and receive a standard occupational disability retirement annuity under V.T.C.A., Government Code § 854.408, or an optional occupational disability retirement annuity under V.T.C.A., Government Code § 854.410, upon making application upon such form and in such manner as may be prescribed by the board of trustees of the system, provided that the system's medical board has certified to the board of trustees that the:
 - a. Member is physically or mentally disabled for further performance of the duties of the member's employment;
 - b. Disability is likely to be permanent; and
 - c. Member should be retired.Any annuity granted under this subsection shall be subject to the provisions of V.T.C.A., Government Code § 854.409.
- (9) The provisions relating to the occupational disability program as set forth in subsection (8) of this section are in lieu of the disability program provided for under V.T.C.A., Government Code §§ 854.301—854.308.

(Code 1978, § 2-68.1(a))

Sec. 2-150. Additional rights, effective 1996.

Pursuant to the provisions of V.T.C.A., Government Code § 854.202(g), the city adopts the following provisions affecting participation of its employees in the Texas Municipal Retirement System referred to in this division as the "system":

- (1) Any employee of the city who is a member of the system is eligible to retire and receive a service retirement annuity if the member has at least 20 years of credited service in the system performed for one or more municipalities that have adopted a like provision under V.T.C.A., Government Code § 854.202(g).
- (2) Prior to adopting this section, the city council of the city has:
 - a. Prepared an actuarial analysis of member retirement annuities at 20 years of service; and
 - b. Held a public hearing pursuant to the notice provisions of the Texas Open Meetings Act, V.T.C.A., Government Code ch. 551.

The rights authorized in this section shall be in addition to the plan provisions heretofore adopted and in force on January 1, 1976, pursuant to the TMRS Act.

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(Code 1978, § 2-68.2(a))

Sec. 2-151. Updated service credits and increase in retirement annuities, effective 1987.

(a) *Authorization of updated service credits.*

- (1) On the terms and conditions set out in V.T.C.A., Government Code §§ 853.401—853.403, each member of the Texas Municipal Retirement System who has current service credit or prior service credit in the system in force and effect on January 1, 1986, by reason of service in the employment of the city, and on such date has at least 36 months of credited service with the system, shall be and is hereby allowed updated service credit (as that term is defined in V.T.C.A., Government Code § 853.402(d)) in an amount that is 100 percent of the base updated service credit of the member (calculated as provided in V.T.C.A., Government Code § 853.402(c)). The updated service credit allowed in this section shall replace any updated service credit, prior service credit, special prior service credit or antecedent service credit previously authorized for part of the same service.
- (2) In accordance with the provisions of V.T.C.A., Government Code § 853.401(c), the deposits required to be made to the Texas Municipal Retirement System by employees of the several participating departments on account of current service shall be calculated from and after January 1, 1986, on the full amount of such person's earnings as an employee of the city.

(b) *Increase in retirement annuities.*

- (1) On terms and conditions set out in V.T.C.A., Government Code § 854.203, the city elects to allow and to provide for payment of the increases stated below, in monthly benefits payable by the Texas Municipal Retirement System to retired employees and to beneficiaries of deceased employees of this city under current service annuities and prior service annuities arising from service by such employees to this city. An annuity increased under this section replaces any annuity or increased annuity previously granted to the same person.
- (2) The amount of annuity increase under this section is computed as the sum of the prior and current service annuities on the effective date of retirement of the person on whose service the annuities are based, multiplied by 70 percent of the percentage change in Consumer Price Index for All Urban Consumers, from December of the year immediately preceding the effective date of the person's retirement to the December that is 13 months before January 1, 1986.
- (3) An increase in an annuity that was reduced because of an option selection is reducible in the same proportion and in the same manner that the original annuity was reduced.
- (4) If a computation under this section does not result in an increase in the amount of an annuity, the amount of the annuity will not be changed by this section.
- (5) The amount by which an increase under this section exceeds all previously granted increases to an annuitant is an obligation of this city and of its account in the city accumulation fund of the Texas Municipal Retirement System.

(Code 1978, § 2-69(a), (b))

Sec. 2-152. Updated service credits and increase in retirement annuities, effective 1988.

(a) *Authorization of updated service credits.*

Chapter 2 ADMINISTRATION

- (1) On the terms and conditions set out in V.T.C.A., Government Code §§ 853.401—853.403, each member of the Texas Municipal Retirement System who has current service credit or prior service credit in force and effect on January 1, 1987, by reason of service in the employment of the system in the city, and on such date has at least 36 months of credited service with the system, shall be allowed updated service credit (as that term is defined in V.T.C.A., Government Code § 853.402(d)) in an amount that is 100 percent of the base updated service credit of the member (calculated as provided in V.T.C.A., Government Code § 853.402(c)). The updated service credit allowed in this subsection shall replace any updated service credit, prior service credit, special prior service credit or antecedent service credit previously authorized for part of the same service.
 - (2) In accordance with the provisions of V.T.C.A., Government Code § 853.401(c), the deposits required to be made to the Texas Municipal Retirement System by employees of the several participating departments on account of current service shall be calculated from and after January 1, 1987, on the full amount of such person's earnings as an employee of the city.
- (b) *Increase in retirement annuities.*
- (1) On terms and conditions set out in V.T.C.A., Government Code § 854.203, the city elects to allow and to provide for payment of the increases stated in this subsection in monthly benefits payable by the Texas Municipal Retirement System to retired employees and to beneficiaries of deceased employees of this city under current service annuities and prior service annuities arising from service by such employees to this city. An annuity increased under this section replaces any annuity or increased annuity previously granted to the same person.
 - (2) The amount of annuity increase under this section is computed as the sum of the prior and current service annuities on the effective date of retirement of the person on whose service the annuities are based, multiplied by 70 percent of percentage change in Consumer Price Index for All Urban Consumers, from December of the year immediately preceding the effective date of the person's retirement to the December that is 13 months before January 1, 1987.
 - (3) An increase in an annuity that was reduced because of an option selection is reducible in the same proportion and in the same manner that the original annuity was reduced.
 - (4) If a computation in this section does not result in an increase in the amount of an annuity, the amount of the annuity will not be changed by this section.
 - (5) The amount by which an increase under this section exceeds all previously granted increases to an annuitant is an obligation of this city and of its account in the city accumulation fund of the Texas Municipal Retirement System.

(Code 1978, § 2-69.1(a), (b))

Sec. 2-153. Supplemental death benefits fund, effective 1987.

The city 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 city's employees who are members of the system, and for the purpose of providing post-retirement death benefits for annuitants whose last covered employment was as an employee of the city, in the amounts and on the terms provided for in V.T.C.A., Government Code §§ 852.004, 854.601—854.605, 855.314 and 855.502.

(Code 1978, § 2-71(a))

Chapter 2 ADMINISTRATION

Sec. 2-154. Supplemental death benefits fund, effective 1988.

The city 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 city's employees who are members of the system, and for the purpose of providing post-retirement death benefits for annuitants whose last covered employment was as an employee of the city, in the amounts and on the terms provided for in V.T.C.A., Government Code §§ 852.004, 854.601—854.605, 855.314 and 855.502.

(Code 1978, § 2-71.1(a))

Sec. 2-155. Authorization of restricted prior service credit.

- (a) On the terms and conditions set out in V.T.C.A., Government Code § 853.305, each member of the Texas Municipal Retirement System (hereinafter referred to as the "system") who is now or who hereafter becomes an employee of this city shall receive restricted prior service credit for service previously performed as an employee of any of the entities described in V.T.C.A., Government Code § 853.305 provided that:
 - (1) The person does not otherwise have credited service in the system for that service, and
 - (2) The service meets the requirements of V.T.C.A. § 853.305.
- (b) The service credit hereby granted may be used only to satisfy length-of-service requirements for retirement eligibility, has no monetary value in computing the annuity payments allowable to the member, and may not be used in other computations, including computation of updated service credits.
- (c) A member seeking to establish restricted prior service credit under this section 2-155 must take the action required under V.T.C.A., Government Code § 853.305 while still an employee of this city.

(Ord. No. 99-3-1, § 1, 3-23-99)

Sec. 2-156. Increased municipal contributions to the current service annuity reserve at retirement.

Effective January 1, 2002, for each month of current service thereafter rendered by each of its employees who are members of the Texas Municipal Retirement System, the city will contribute to the current service annuity reserve of each such member at the time of his or her retirement, a sum that is six percent of such member's accumulated deposits for such month of employment; and said sum shall be contributed from the city's account in the municipality accumulation fund.

(Ord. No. 2002-9-11, 10-7-02)

Secs. 2-157—2-175. Reserved.

ARTICLE III. BOARDS AND COMMISSIONS ^[3]

DIVISION 1. - GENERALLY

DIVISION 2. - PLANNING AND ZONING COMMISSION

DIVISION 3. - BEAUTIFICATION AND ENVIRONMENTAL COMMITTEE

FOOTNOTE(S):

--- (3) ---

Cross reference— Aviation advisory board, § 14-41 et seq.; joint airport zoning board, § 14-93; parks and recreation board, § 74-36 et seq. ([Back](#))

DIVISION 1. GENERALLY

[Sec. 2-176. Advisory boards and committees.](#)

[Sec. 2-177. Membership; frequency of meetings; appointment of chairperson.](#)

[Secs. 2-178—2-200. Reserved.](#)

Sec. 2-176. Advisory boards and committees.

- (a) All new items or issues that are proposed must first meet the approval of the city council before ordinances and resolutions are developed.
- (b) All proposed board actions must be presented and approved by the city council.
- (c) No directive from an advisory board will be permitted.
- (d) The boards shall follow protocol as set out by the city charter or personnel manual (city council-city manager-department head-staff). The city engineer, agent and other agencies may not be contacted by board members without permission of the city council or city manager.
- (e) Duties of the advisory boards are to advise, not to delegate or administer projects.
- (f) The following language will be placed at the top of each Alpine Board Agenda—"Word of Caution - Any discussion or comments will be addressed to the Chairperson. There will be no personal attacks. That will not be acceptable. Should that happen, the meeting will stop and person or persons will be asked to leave the meeting. Action items voted on tonight will be going to the City Council for consideration."
- (g) Board members may be removed by the city council member who appointed them, or by the city council. If a member is absent for three consecutive meetings, it will be deemed that they have resigned, unless there is an approved excuse for such absences by the board and city council.

(Ord. No. 2010-06-04, 9-7-10)

Sec. 2-177. Membership; frequency of meetings; appointment of chairperson.

- (a) *Membership.*

Chapter 2 ADMINISTRATION

- (1) Members of city advisory boards and commissions shall be appointed for a term of two years. The term of a member shall align and coincide with the term of the elected city official who appointed the member.
 - (2) Member shall reside in and/or own property in the City of Alpine as a taxpayer and be a qualified voter. Members of the airport advisory board may reside in Brewster County and shall be a taxpayer and qualified voter.
- (b) *Frequency of meetings.* Advisory boards or commissions shall meet quarterly or more often.
- (c) *Appointment of chair.* The chair for each board or commission shall be appointed by the city council.

(Ord. No. 2016-10-02, 11-1-2016)

Secs. 2-178—2-200. Reserved.

DIVISION 2. PLANNING AND ZONING COMMISSION ⁽⁴⁾

[Sec. 2-201. Created; membership; terms.](#)

[Sec. 2-202. Chairperson, vice-chairperson; majority.](#)

[Sec. 2-203. Powers and duties.](#)

[Secs. 2-204—2-210. Reserved.](#)

Sec. 2-201. Created; membership; terms.

There is created and established for the city, being a home rule municipality, a planning and zoning commission which shall be composed of seven members, five of whom shall represent one of the five election wards of the city. Two members shall be selected from the city at large. The members shall be resident citizens, taxpayers and qualified voters of the city. The members shall be recommended by a councilmember representing each ward and shall be appointed by the mayor subject to confirmation by the city council. The members shall serve terms of two years, and the terms of members shall align and coincide with that of the recommending councilmember. All vacancies shall be filled for the unexpired term in the same manner as provided for original appointments. All expired terms shall be filled as provided for original appointments and in the same manner. Members of the commission may be removed by the mayor, with the consent of the city council, after being absent from three consecutive meetings without being excused by the mayor. The reason for an absence shall be reported to the mayor or city secretary before the meeting occurs and shall be recorded in the minutes of the scheduled meeting together with the mayor's decision on the absence. Members of the building and standards commission may not also be members of the planning and zoning commission. The members of the commission shall serve without compensation. The commission shall meet at least quarterly.

(Code 1978, § 2-121; Ord. No. 2012-03-01, § 1, 4-3-2012; Ord. No. 2016-10-02, 11-1-2016)

Sec. 2-202. Chairperson, vice-chairperson; majority.

The city council shall appoint a chairperson from the membership of the planning and zoning commission, and commission shall elect a vice-chairperson from its membership. The administrative staff of the city shall serve as support staff for the commission and shall prepare all necessary applications,

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notices and documents for the commission to conduct its affairs in compliance with applicable state statutes. All seven members of the commission shall have a vote. A majority of four members shall be necessary to hold a meeting and transact business before the commission.

(Code 1978, § 2-122; Ord. No. 2015-08-01, § 1, 9-1-2015; Ord. No. 2016-10-02, 11-1-2016)

Sec. 2-203. Powers and duties.

The planning and zoning commission shall exercise the powers and duties as prescribed by V.T.C.A., Local Government Code §§ 211.006 and 211.007.

(Code 1978, § 2-123)

Secs. 2-204—2-210. Reserved.

FOOTNOTE(S):

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Cross reference— Zoning, app. C. ([Back](#))

DIVISION 3. BEAUTIFICATION AND ENVIRONMENTAL COMMITTEE

[Sec. 2-211. Establishment of committee.](#)

[Sec. 2-212. Criteria for the committee.](#)

[Secs. 2-213—2-225. Reserved.](#)

Sec. 2-211. Establishment of committee.

A beautification and environmental committee shall consist of six members who are residents of the city and who shall be appointed, one by the mayor, and one appointment from each ward as determined by their respective city council representatives. The term of office shall be for two years and can be reappointed if city council representative desires to do so. The term of each member shall align and coincide with that of the appointing city official. Members of the committee shall reside and/or own property in the city as taxpayers and be qualified voters. The city council shall choose the chairperson of the committee. The members of the committee will appoint the recording secretary and will meet at least quarterly and will set their own bylaws and work plans concerning environmental issues within the City of Alpine. Members of the committee may be dismissed after missing three consecutive meetings.

(Ord. No. 2008-09-04, § 1, 9-16-08; Ord. No. 2016-10-02, 11-1-2016)

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Sec. 2-212. Criteria for the committee.

- (a) Review and evaluate conservation development and concerns.
- (b) Inform and engage citizens in environmental issues.
- (c) Develop and implement land protection techniques.
- (d) Educate the public on issues relating to environmental concerns.
- (e) Advise the city council and city staff on issues that are relevant to environmental concerns of the community.
- (f) Promote preservation and conservation efforts within the community.
- (g) Evaluate programs and issues that have an environmental impact to the community.
- (h) Oversee planning of open space and development and smart growth issues.

(Ord. No. 2008-09-04, § 2, 9-16-08)

Secs. 2-213—2-225. Reserved.

ARTICLE IV. FINANCE ⁽⁵⁾

DIVISION 1. - GENERALLY

DIVISION 2. - PURCHASING

FOOTNOTE(S):

--- (5) ---

Cross reference— Any ordinance promising or guaranteeing the payment of money for the city, or authorizing the issuance of any bonds of the city or any evidence of the city's indebtedness saved from repeal, § 1-6(1); any appropriation ordinance or ordinance providing for the levying of taxes or for an annual budget saved from repeal, § 1-6(2); any ordinance designating, or otherwise relating to, city depositories saved from repeal, § 1-6(4); any ordinance approving, authorizing or otherwise relating to any contract or agreement saved from repeal, § 1-6(7); taxation, ch. 90. ([Back](#))

DIVISION 1. GENERALLY

[Sec. 2-226. Investment of city funds.](#)

[Sec. 2-227. Intra-departmental, intra-fund transfers authorized.](#)

[Sec. 2-228. Transfer limit.](#)

[Secs. 2-229. Expiration of city checks.](#)

[Secs. 2-230—2-250. Reserved.](#)

Chapter 2 ADMINISTRATION

Sec. 2-226. Investment of city funds.

The city manager is authorized, from time to time as he may deem to be in the best interest of the city, to invest city funds not immediately required for current use, including operating funds and bond funds, in United States treasury bills or in certificates of deposit, time deposits, savings accounts in the official city depositories, or other investments of equal security. All interest earned and accrued from such investments shall be deposited in the general fund.

(Code 1978, § 2-5)

Sec. 2-227. Intra-departmental, intra-fund transfers authorized.

The city manager is authorized to make intra-department and/or intra-fund transfers during the fiscal year, as become necessary, to avoid overexpenditure of a particular account.

(Code 1978, § 2-6)

Sec. 2-228. Transfer limit.

The city manager may transfer up to \$1,000.00 of unencumbered appropriation balances among programs within a department, office, or agency without prior city council approval in a fiscal year. The city manager, however, shall inform the city council of said transfers by the next regular or special meeting.

(Ord. No. 2005-6-18, 8-12-05)

Secs. 2-229. Expiration of city checks.

All City of Alpine checks, issued by the city, will have an expiration date, 180 days from the date of issuance of the check. Checks will be updated to state that they expire 180 days from the date of issuance of the check. Any checks tendered prior to the enactment of Ordinance No. 2016-01-03, February 2, 2016 will expire on June 30, 2016.

(Ord. No. 2016-01-03, 2-2-16)

Secs. 2-230—2-250. Reserved.

DIVISION 2. PURCHASING

[Sec. 2-251. Competition required.](#)

[Sec. 2-252. Public nature of bids.](#)

[Sec. 2-253. Security required of successful bidders.](#)

[Sec. 2-254. Rejection of bids.](#)

[Sec. 2-255. Limit on duration of certain contracts.](#)

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[Sec. 2-256. When sealed bids required.](#)

[Sec. 2-257. Emergency purchases.](#)

[Sec. 2-258. Prior authorization for payment required.](#)

[Secs. 2-259—2-280. Reserved.](#)

Sec. 2-251. Competition required.

It shall be the duty of the purchasing agent to give opportunity for competition on purchases and sales, except when the nature of the purchase or sale is such that competition is impossible or impracticable.

(Code 1978, § 2-37)

Sec. 2-252. Public nature of bids.

All sealed bids received shall be opened in public and shall be subject to public inspection.

(Code 1978, § 2-38)

Sec. 2-253. Security required of successful bidders.

The purchasing agent may require successful bidders to furnish security conditioned upon the faithful performance of their contract or conditioned upon the payment of the wages and compensation of all laborers employed on work for which a contract is made by the contractor, subcontractor, agent or any other person, or condition for both.

(Code 1978, § 2-39)

Sec. 2-254. Rejection of bids.

The purchasing agent may reject all bids and readvertise for new bids, with the approval of the council.

(Code 1978, § 2-40)

Sec. 2-255. Limit on duration of certain contracts.

The purchasing agent shall not let any contract for periods exceeding one year for street lighting, public improvements, labor, supplies or employment.

(Code 1978, § 2-41)

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Sec. 2-256. When sealed bids required.

The City of Alpine, Texas will follow the State of Texas Purchasing and Procurement Laws that pertain to cities competitive bidding procedures under V.T.C.A., Local Government Code ch. 252.

(Code 1978, § 2-42; Ord. No. 2009-04-03, 5-19-09)

Sec. 2-257. Emergency purchases.

In case of accident or other circumstances creating an emergency, the purchasing agent may, with the consent of the city council, award contracts and make purchases for the purpose of repairing damages caused by such accident or avoiding such public emergency. Immediately afterwards, he shall file with the mayor a certificate showing such emergency and the necessity of such action together with an itemized account of all expenditures.

(Code 1978, § 2-43)

Sec. 2-258. Prior authorization for payment required.

The city manager shall obtain prior authorization for payment of any bill or obligation owed by the city that has not been previously approved in the city's budget.

(Ord. No. 2005-6-22, 7-19-05; Ord. No. 2016-01-04, 2-2-2016)

Secs. 2-259—2-280. Reserved.

ARTICLE V. RECORDS MANAGEMENT ⁽⁶⁾

[Sec. 2-281. Definitions.](#)

[Sec. 2-282. Records of the city described; procedures.](#)

[Sec. 2-283. Records declared public property.](#)

[Sec. 2-284. Policy.](#)

[Sec. 2-285. Designation of records management officer.](#)

[Sec. 2-286. Establishment of records management committee; duties.](#)

[Sec. 2-287. Records management plan to be developed; approval of plan; authority of plan.](#)

[Sec. 2-288. Duties of records management officer.](#)

[Sec. 2-289. Duties and responsibilities of department heads.](#)

[Sec. 2-290. Designation of records liaison officers.](#)

[Sec. 2-291. Duties and responsibilities of records liaison officers.](#)

[Sec. 2-292. Records control schedules to be developed; approval; filing with state.](#)

[Sec. 2-293. Implementation of records control schedules; destruction of records under schedule.](#)

[Sec. 2-294. Destruction of unscheduled records.](#)

[Sec. 2-295. Records center.](#)

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[Sec. 2-296. Micrographics.](#)

[Secs. 2-297—2-320. Reserved.](#)

Sec. 2-281. Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Department head means the officer who by ordinance, order or administrative policy is in charge of an office of the city that creates or receives records.

Essential records means any record of the city necessary to the resumption or continuation of operations of the city in an emergency or disaster, to the re-creation of the legal and financial status of the city, or to the protection and fulfillment of obligations to the people of the state.

Permanent records means any record of the city for which the retention period on a records control schedule is given as permanent.

Records control schedule means 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 liaison officer means the person designated under section 2-290 of this article.

Records management means 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 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 is defined in section 2-286 of this article.

Records management officer means the person designated in section 2-285 of this article.

Records management plan means the plan developed under section 2-287 of this article.

Retention period means the minimum time that shall 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.

(Ord. No. 98-7-7, § 2, 7-21-1998)

Cross reference— Definitions generally, § 1-2.

State Law reference— Definitions pertaining to local government records, V.T.C.A., Local Government Code § 201.003 and V.T.C.A., Government Code § 441.151.

Sec. 2-282. Records of the city described; procedures.

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

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characteristic and regardless of whether public access to it 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, is 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.

(Ord. No. 98-7-7, § 1, 7-21-1998)

Sec. 2-283. Records declared public property.

All city records as defined in sections 2-281 and 2-282 of this article are declared to be the property of the city. No city official or employee has, by virtue of his position, any personal or property right to such records even though he may have developed or compiled them. The unauthorized destruction, removal from files or use of such records is prohibited.

(Ord. No. 98-7-7, § 3, 7-21-1998)

State Law reference— Declaration of local government records as public property, V.T.C.A., Local Government Code § 201.005.

Sec. 2-284. Policy.

It is declared to be the policy of the city to provide for efficient, economical and effective controls over the creation, distribution, organization, maintenance, use and disposition of all city records through a comprehensive system or integrated procedures for the management of records from their creation to their ultimate disposition, consistent with the requirements of the Local Government Records Act (V.T.C.A., Local Government Code § 201.001 et seq.) and accepted records management practice.

(Ord. No. 98-7-7, § 4, 7-21-1998)

State Law reference— Purpose of V.T.C.A., Local Government Records Act, V.T.C.A., Local Government Code § 201.002.

Sec. 2-285. Designation of records management officer.

The city manager's office, and the successive holders of such office, shall serve as records management officer for the city. As provided by state law, each successive holder of the office shall file his name with the director and librarian of the Texas State Library within 30 days of the initial designation or of taking the office, as applicable.

(Ord. No. 98-7-7, § 5, 7-21-1998)

State Law reference— Designation of records management officer, V.T.C.A., Local Government Code § 203.025.

Sec. 2-286. Establishment of records management committee; duties.

A records management committee consisting of the city manager's office is hereby established. The committee shall:

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- (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 city.

(Ord. No. 98-7-7, § 6, 7-21-1998)

Sec. 2-287. Records management plan to be developed; approval of plan; authority of plan.

- (a) The records management officer and the records management committee shall develop a records management plan for the city for submission to the city 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 city and to properly preserve those records of the city that are of historical value. The plan must be designed to enable the records management officer to carry out his duties prescribed by state law and this article effectively.
- (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 records management 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.

(Ord. No. 98-7-7, § 7, 7-21-1998)

State Law reference— Custodians of records required to participate in records management program, V.T.C.A., Local Government Code § 203.022(b); records management program to be established, V.T.C.A., Local Government Code § 203.026.

Sec. 2-288. Duties of records management officer.

In addition to other duties assigned in this article, the records management officer shall:

- (1) Administer the records management program and provide assistance to department heads in its implementation;
- (2) Plan, formulate and prescribe records disposition, policies, systems, standards and procedures;
- (3) In cooperation with department heads, identify essential records and establish a disaster plan for each city office and department to ensure maximum availability of the records in order to reestablish operations quickly and with minimum disruption and expense;

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- (4) Develop procedures to ensure the permanent preservation of the historically valuable records of the city;
- (5) Establish standards for filing and storage of equipment and for recordkeeping supplies;
- (6) Study the feasibility of and, if appropriate, establish a uniform filing system and a forms design and control system for the city;
- (7) Provide records management advice and assistance to all city departments by preparation of a manual of procedure and policy and by on-site consultation;
- (8) Monitor records retention schedules and administrative rules issued by the Texas State Library and Archives Commission to determine if the records management program and the city's records control schedules are in compliance with state regulations;
- (9) Disseminate to the city council and department heads information concerning state laws and administrative rules to local government records;
- (10) Instruct the records liaison officers and other personnel in policies and procedures of the records management plan and their duties in the records management program;
- (11) 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 state law and this article;
- (12) Ensure that the maintenance, preservation, microfilming, destruction, or other disposition of the city records, is carried out in accordance with the policies and procedures of the records management program and the requirements of state law;
- (13) 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;
- (14) 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 (13) of this section; and
- (15) Bring to the attention of the city council personnel the policies and procedures of the records management program or the Local Government Records Act.

(Ord. No. 98-7-7, § 8, 7-21-1998)

State Law reference— Duties of records management officer, V.T.C.A., Local Government Code § 203.023.

Sec. 2-289. Duties and responsibilities of department heads.

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

- (1) 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.
- (2) Adequately document the transaction of government business and the services, programs and duties for which the department head and his staff are responsible; and
- (3) Maintain the records in his care and carry out their preservation, microfilming, destruction or other disposition in accordance with the policies and procedures of the records management program of the city and the requirements of this article.

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(Ord. No. 98-7-7, § 9, 7-21-1998)

Sec. 2-290. Designation of records liaison officers.

Each department head shall designate a member of his 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 records created and maintained by the department and shall have full access to all records of the city 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 department.

(Ord. No. 98-7-7, § 10, 7-21-1998)

Sec. 2-291. Duties and responsibilities of records liaison officers.

In addition to other duties assigned in this article, records liaison officers shall:

- (1) Conduct or supervise the conduct of inventories of the records of the department in preparation for the development of records control schedules;
- (2) In cooperation with the records management officer, coordinate and implement the policies and procedures of the records management program in their departments; and
- (3) Disseminate information to department staff concerning the records management program.

(Ord. No. 98-7-7, § 11, 7-21-1998)

Sec. 2-292. Records control schedules to be developed; approval; filing with state.

- (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 for each record. Records control schedules shall also contain such other information regarding the disposition of city 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 the records control schedule 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) A records control schedule or amended schedule for a department must be approved by the department head, the city council and the city manager before its adoption.
- (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. No. 98-7-7, § 12, 7-21-1998)

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State Law reference— Records control schedules, V.T.C.A., Local Government Code § 203.041 et seq.; records retention schedules, V.T.C.A., Government Code § 441.158.

Sec. 2-293. Implementation of records control schedules; destruction of records under schedule.

- (a) A records control schedule for a department that has been approved and adopted in section 2-292 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. No. 98-7-7, § 13, 7-21-1998)

Sec. 2-294. 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. No. 98-7-7, § 14, 7-21-1998)

Sec. 2-295. Records center.

A records center, developed pursuant to the plan required by section 2-287, shall be under the direct control and supervision of the records management officer. Policies and procedures regulating the operations and use of the records center shall be contained in the records management plan developed under section 2-287.

(Ord. No. 98-7-7, § 15, 7-21-1998)

Sec. 2-296. Micrographics.

Unless a micrographics program in a department is specifically exempted by order of the city council, all microfilming of records will be centralized and under the direct supervision of the records management officer. The records management plan will establish policies and procedures for the microfilming which shall be done in accordance with standards and procedures for the microfilming of local government records established in Rules of the Texas State Library and Archives Commission. The plan will establish criteria for determining the eligibility of records for microfilming, and protocols for ensuring that a microfilming program that is exempted from the centralized operations shall be subject to periodic review by the records management officer as to cost-effectiveness, administrative efficiency and compliance with commission rules.

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(Ord. No. 98-7-7, § 16, 7-21-1998)

State Law reference— Microfilming of records, V.T.C.A., Local Government Code ch. 204.

Secs. 2-297—2-320. Reserved.

FOOTNOTE(S):

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State Law reference— Preservation and management of local government records, V.T.C.A., Government Code § 441.151 et seq.; Local Government Records Act, V.T.C.A., Local Government Code § 201.001 et seq.; municipal records management, V.T.C.A., Local Government Code § 203.021 et seq. ([Back](#))

ARTICLE VI. PUBLIC INFORMATION REQUESTS [\[i\]](#)

[Sec. 2-321. Authority and purpose.](#)

[Sec. 2-322. Agency description, contact information, identity and scope of public information officer.](#)

[Sec. 2-323. Making a public information request.](#)

[Sec. 2-324. Processing of public information requests.](#)

[Sec. 2-325. Cost rules.](#)

Sec. 2-321. Authority and purpose.

- (a) The Texas Public Information Act (referred to hereafter in this document as the "Act") requires governmental agencies to make available for inspection and copying all information that is collected, assembled, or maintained by the governmental body or for a body if it owns or has a right of access to the information, except for information the Act exempts or prohibits from disclosure, according to Chapter 552 of the Texas Government Code.
- (b) The city strives to provide the public rightful full access to information concerning the conduct and efficiency of government, mindful of individuals' privacy rights. It has therefore established the following public records policies and procedures, adopted by the city council on May 7, 2013.
- (c) The purpose of these rules is to establish the procedures city will follow in order to best comply with the Act. These rules and regulations cannot change the Act. Rather, the policy is intended to provide the public with general guidelines for requesting public information and to assist employees in handling public information requests.

(Ord. No. 2013-05-01, § 2(Att., § A), 5-21-2013)

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Sec. 2-322. Agency description, contact information, identity and scope of public information officer.

- (a) City of Alpine is a political subdivision of the state of Texas. City of Alpine's central administrative offices are located at 100 North 13th Street, Alpine, Texas 79830.
- (b) In order to improve efficiency, save time and money, and avoid sometimes costly duplication of commonly requested records, the city has designated the public information officer as the central point of contact for the receipt and distribution of all city public information requests. Other city departments may also process the requests. The public information officer will provide the fullest assistance to requestors and work with department heads, elected officials and the appointed public information committee to ensure compliance with the Act, maintain a central database of records requested, and take payments when applicable.
- (c) Any person wishing to request access to the public records of City of Alpine, or any person seeking assistance in making such a request, should contact the designated public information officer for the city:
Margaret "Molly" Taylor
City Secretary
100 North 13th Street
Alpine, Texas 79830
432-837-3301 (Phone)
432-837-2044 (Fax)
city.secretary@ci.alpine.tx.us
- (d) The most updated contact information for the public information officer will be made available on City of Alpine's Web Site at www.ci.alpine.tx.us.
- (e) As detailed in Chapter 552, Subchapter C, of the Texas Government Code, some information is excepted from the Act. Such information is considered confidential by law. Please refer to the Texas Government Code for a listing of the exceptions.
- (f) Section 552.003(1)(B) of the Government Code excludes the judiciary from the Act. Section 552.0035 of the Government Code specifically provides that access to judicial records is governed by rules adopted by the Supreme Court of Texas or by other applicable laws and rules. (Also see Rule 12 of the Texas Rules of Judicial Administration).
- (g) The city public information officer is not responsible for law enforcement records. All requestors seeking law enforcement information should contact the City of Alpine Police Department at 432-837-3486.

(Ord. No. 2013-05-01, § 2(Att., § B), 5-21-2013)

Sec. 2-323. Making a public information request.

- (a) Any person wishing to inspect or copy public records of city should make the request in writing, preferably on City of Alpine's request form, which is available online at www.ci.alpine.tx.us, by letter, fax or e-mail, addressed to the public information officer and including the following information:
 - (1) Name of requestor;

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- (2) Address of requestor;
 - (3) Other contact information, including telephone number, fax and/or e-mail address;
 - (4) A description of the public records adequate enough so the Public Information Officer or other designee can locate the records;
 - (5) The date and time of the request.
- (b) Only requests in writing will be accepted. The city may not require a requestor to use the form developed by the city for public information requests; however, it is highly encouraged.
- (c) Records may be described by their content, but requestors must be specific and clear in defining the nature and the scope of information they are requesting. Clarifications may delay the release of records. Requests should be for data in existence, and the city is not required to answer questions, perform legal research or comply with a continuing request to supply information on an ongoing or periodic basis. However, the city will make attempts to discern what records are being requested and work with the requestor to clarify requests if necessary.

(Ord. No. 2013-05-01, § 2(Att., § C), 5-21-2013)

Sec. 2-324. Processing of public information requests.

- (a) *Providing fullest assistance.* The city will provide full access to public records, protect records from damage or disorganization, prevent excessive interference with other essential functions of government, and provide fullest assistance to requestors in the timeliest possible action. The public information officer or designee will process requests in the most efficient manner. All requestors will be treated equally (See media clause, subsection 2-324(f)).
- (b) City employees other than the designated public information officer receiving public information requests should forward the request to the designated public information officer immediately. However, should that employee be in possession of the requested information, he or she should begin processing that request while the public information officer is notified.
- (c) *Acknowledging receipt of request.* Within a reasonable time of receipt of the request, the public information officer will do one or more of the following:
- (1) Make the records available for inspection or copying;
 - (2) If copies are requested and payment of a deposit for the copies, if any, is made or terms of payment are agreed upon, send the copies to the requestor;
 - (3) Provide a reasonable estimate of when records will be available;
 - (4) If the public information officer cannot provide the requested information for inspection or duplication within ten business days, the officer must notify the requestor in writing and provide a reasonable time frame of when the information will be available;
 - (5) If the request is unclear or does not sufficiently identify the requested records, the public information officer shall request clarification from the requestor. Such clarification may be requested by telephone, but will be documented in writing. The public information officer may revise the estimate of when records will be available;
 - (6) Request an opinion from the Texas Attorney General based on one or more of the exemptions or prohibitions in the Act. This must be done within ten business days.
- (d) If an opinion is needed from the attorney general, the public information officer will take advisement from and utilize the services of the city's legal counsel. The appropriate parties will be contacted by the public information officer or the city's legal counsel.

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- (e) *Internal process.*
- (1) Liaisons, departments, or agencies within the city in possession of the requested information will be contacted via e-mail and fax or in person by the public information officer or designee as soon as possible after the receipt of the request. (Note: The ten-business-day time period the city has to request an attorney general opinion begins when the request is submitted to the public information officer, not when the public information officer submits the request to the appropriate department.)
 - (2) The public information officer or designee may ask the liaison, department or agency to clarify the request or may provide a clarification to the department if necessary.
 - (3) The public information officer will indicate whether these records, in whole or in part, are exempted from release and will specify whether requestor wishes to inspect or receive copies of the documents.
 - (4) The public information officer will provide billing assistance if the employee compiling the information must keep track copies and/or time it takes to process the request.
 - (5) It is the responsibility of the liaison, department or agency to provide to the public information officer with a reasonable estimate of when records will be available, communicate any questions to the public information officer or designee, and provide an itemized estimate of costs (if applicable) within two business days of receipt of the request from the public information officer or in a time period that is reasonable compared with the request.
 - (6) It is the responsibility of the liaison, department or agency to provide to the public information officer the records requested in a timely manner, "promptly and without delay," as described within the Act. The ten-day time period referred to in the Texas Public Information Act means that the governmental body has ten days to request an opinion of the attorney general. Otherwise, the information is considered public.
- (f) *Media requests for public information.* The city realizes the need of the news media for timely access to government records and supports the public's right to know. Good government requires an informed citizenry. All requests will be treated equally and with the same diligence; however, the city will try to expedite media requests. This does not preclude members of the media giving the city proper notification of their need for information. Depending on the size and complexity of the requests, turnaround time for media requests will differ on a case-by-case basis. It is solely up to the governmental body whether to grant cost waivers often requested by media outlets.
- (g) *Inspection of records.* The city shall promptly provide space to inspect public records. The city may charge for time spent redacting non-releasable information on documents made available for inspection. A requestor may be charged for copies and labor if, after an inspection, he or she wishes to obtain copies. No member of the public or media may remove a document from the viewing area or in any way alter a government document. The requestor may make arrangements to copy information using the city's machinery. Fees may apply.
- (h) The public information officer shall maintain a database of requests with a numbering system for tracking, deadline and billing purposes.

(Ord. No. 2013-05-01, § 2(Att., § D), 5-21-2013)

Sec. 2-325. Cost rules.

- (a) The city will abide by the cost rules laid out in Texas Administrative Code, Section 70.3.
- (b) Cost estimates will be provided to requestors if estimates exceed \$40.00, at which time, the requestor must respond in writing to the public information officer to accept or deny charges or modify the request. Requestors shall not be billed for requests less than \$5.00 (50 pages).

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- (c) The city may require a deposit for requests exceeding \$100.00 in cost.
- (d) Failure to pay could result in the future withholding of public information as specified in the Texas Administrative Code § 70.7(f)1—2.
- (e) Payment will be accepted in the form of personal checks, business checks, cashier's checks, money orders or cash. Checks should be made out City of Alpine. Payments should be submitted directly to the City of Alpine Finance Director's Office.
- (f) The finance director will be responsible for providing all requestors with a receipt of their payment.

(Ord. No. 2013-05-01, § 2(Att., § E), 5-21-2013)

FOOTNOTE(S):

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Editor's note— Ord. No. 2013-05-01, § 2, adopted a new updated and comprehensive open records policy as an attachment to said ordinance which has been included as herein set out. The attachment to § 2 contained an appendix A of public information request forms; appendix A has not been set out herein but is available in the office of the city secretary. ([Back](#))