

ORDINANCE NO. 255

AN ORDINANCE ESTABLISHING THE ALLOCATION OF POWERS BETWEEN AND AMONG THE MAYOR AND THE TOWN COUNCIL; PROVIDING THAT ALL POWERS OF THE TOWN COUNCIL REMAIN WITH THE COUNCIL; PROVIDING THE MAYOR SHALL HAVE ONE VOTE WHETHER OR NOT A TIE EXISTS; REPEALING, DISCLAIMING, AND DISAVOWING ANY EXPRESS OR IMPLIED DELEGATIONS OF POWER TO THE MAYOR HERETOFORE MADE; PROVIDING THE CITY ADMINISTRATOR WITH THE AUTHORITY AND POWER TO MANAGE ALL DAY-TO-DAY ACTIVITIES OF THE TOWN, INCLUDING ITS EMPLOYEES AND OPERATIONS; DIRECTING THE MAYOR TO REFRAIN FROM INTERFERING WITH THE CITY ADMINISTRATOR OR TOWN EMPLOYEES AND AUTHORIZING TOWN EMPLOYEES TO DISREGARD ANY INSTRUCTIONS OF THE MAYOR CONTRARY TO THE TERMS OF THIS ORDINANCE; PROVIDING THE MANNER AND MEANS BY WHICH A MEETING MAY BE CALLED OR AN ITEM POSTED ON THE AGENDA OF A MEETING; PROVIDING FOR THE ANNOUNCEMENT OF FUTURE AGENDA ITEMS IN OPEN MEETING; PROVIDING, CONSISTENT WITH TRADITIONAL AND RECOGNIZED PRACTICE, THAT THE MAYOR MAY NOT MAKE A MOTION OR SECOND A MOTION; PROVIDING FOR OCCASIONAL REVIEW OF THE TERMS OF THIS ORDINANCE; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the Town is a Type B general-law municipality created and operating under Chapter 23 of the Texas Local Government Code; and

WHEREAS, the Town is governed by a board of aldermen known and referred to as its Town Council, one of whom is elected as the mayor, and the Town Council operates by majority vote of its members;

WHEREAS, the Town Council has never knowingly ceded its powers as a governing body to a mayor;

WHEREAS, the newly elected mayor has asserted vast powers and authority over the workings of the Town regardless of the wishes of the Town Council and despite there being no law that gives the mayor the powers the mayor believes the mayor of a Type-B municipality holds;

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF ENCHANTED OAKS, TEXAS:

Section 1

That the Town Council hereby ordains:

(1) The Town Council as a body retains all powers of governance over the Town and Town matters, it operates as a body by majority vote; the mayor has no unilateral authority over the officers or employees of the Town or over Town affairs unless the Town Council votes by resolution or ordinance to delegate a power to the mayor. The mayor is a voting member of the Town Council and may vote regardless of whether a tie exists.

(2) The Town Council repeals, disclaims, and disavows any ordinance, resolution, policy or other delegation of power to the mayor heretofore adopted, whether express or implied, subject only to controlling State law that expressly and unambiguously gives the mayor certain limited powers, the intent being that the mayor shall have no unilateral authority to act without the approval of the Town Council.

(3) The City Administrator was hired by the vote of the Town Council to manage the day-to-day affairs of the Town. The City Administrator's authority and power to manage the activities, operations, and employees of the Town is hereby reaffirmed.

(4) The Mayor is hereby directed to refrain from interfering with the activities of the City Administrator or any other employee of the Town and shall not direct or attempt to oversee, countermand, or control the City Administrator or any other employee of the Town except at the express direction or with the express approval of the Town Council or as expressly and unambiguously provided by State law;

(5) Town employees do not report to the mayor; they are not required to abide by any attempt of the mayor to instruct or control their activities contrary to the terms of this Ordinance.

(6) Any two members of the Town Council, other than the mayor, may call a special meeting and provide for the agenda to be posted for that meeting or nominate an item to be posted on the agenda of an upcoming regular meeting. The mayor, with the consent of the mayor pro tem, may call a special meeting and provide for the agenda to be posted for that meeting. The mayor, with the second of any member of the Town Council, may nominate in open meeting an item to be posted on the agenda of an upcoming regular meeting. The agenda for every meeting shall contain an item as the last item of business prior to adjournment the following:

"ANNOUNCE FUTURE AGENDA ITEMS

The mayor or any member of the Town Council, with a second by the mayor or any other member of the Town

Council may ask that an item be placed on a future agenda of the Town Council. No substantive discussion of the proposed item may or will take place at this time."

(7) The mayor may not make a motion nor second a motion at meetings of the Town Council other than as provided in subsection (6), above.

Section 2

That the Town Council may amend or repeal this Ordinance in its discretion, provided that the Town Council shall review the terms of this Ordinance not less than annually.

Section 3

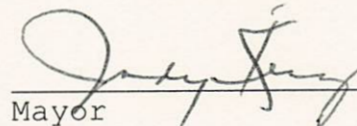
That the terms and provisions of this Ordinance are severable.

Section 4

That this Ordinance shall be and become effective immediately upon and after its passage and approval.


PASSED AND APPROVED this the 13th day of January, 2026.

TOWN OF ENCHANTED OAKS, TEXAS



Mayor

ATTEST:



City Secretary

