

CHAPTER 2
ADMINISTRATION*

***Editor's note**--The City of West Columbia is a Type A city pursuant to V.T.C.A., Local Government Code § 5.001. The City Manager provisions were adopted by referendum on May 9, 1943.

Cross reference(s)--Administration of the flood prevention and protection regulations, § 8-41 et seq.; administration of the subdivision regulations, § 17-31 et seq.; administration of the traffic regulations, § 18-26 et seq.

State law reference(s)--Type A general law municipality, V.T.C.A., Local Government Code § 22.001 et seq.

	Page
Art. I In General, §§ 2-1--2-20	2
Art. II City Council, §§ 2-21--2-80	2
Div. 1. Generally, §§ 2-21--2-40	2
Div. 2. Aldermen, §§ 2-41-60	4
Div. 3. Mayor, §§ 2-61-80	4
Art. III Boards, Committees, Commissions, §§ 2-81-200	6
Div. 1. Generally, §§ 2-81--2-100	6
Div. 2. Parks Commission, §§ 2-161-180	7
Div. 3. Planning Commission, §§ 2-181-200	9
Art. IV Officers and Employees, §§ 2-201	11
Div. 1. Generally, §§ 2-201-2	12
Div. 2. City Manager, §§ 2-246--2-275	13
Div. 3. City Secretary/Treasurer, §§ 2-276--2-300	16
Art. V Departments, §§ 2-301--2-385	18
Div. 1. Generally, §§ 2-301--2-320	18

Div. 2. Police Department, §§ 2-321--2-350.....	18
Div. 3. Police Reserve Force, §§ 2-351--2-385.....	23
Art. VI Municipal Court, §§ 2-386--2-415.....	27
Art. VII City Property, §§ 2-416--2-435.....	31
Art. VIII Claims Against the City, §§ 2-436--2-455.....	31
Art. IX Support of Emergency Services, §§ 2-456--2-480.....	33
Art. X Records Management, §§ 2-481--2-494.....	34

ARTICLE I. IN GENERAL

Secs. 2-1--2-20. Reserved.

ARTICLE II. CITY COUNCIL *

***Cross reference(s)**— All offices, department heads and employees of the city, except members of the governing body, the municipal court judge, members of the police department other than Chief of Police, shall be filled by appointment by the City Manager, with the advice and consent of the City Council and subject to confirmation by the City Council, § 2-201; appeals from decision or interpretation of the fire marshal under the fire code shall be to the City Council, § 7-66; retirement and pensions, ch. 14.

State law reference(s)--Municipal form of government, V.T.C.A., Local Government Code § 21.001 et seq.; Type A general law municipality, V.T.C.A., Local Government Code § 22.001 et seq.

DIVISION 1. GENERALLY*

***Cross reference(s)**--City Council not to interfere with administration by the City Manager of city departments and employees, § 2-29 et seq.

Sec. 2-21. Meeting agenda.

Any person, whether a member of the City Council, any other City officer, City employee or otherwise, may have a subject placed on the agenda of any regularly scheduled meeting of the City Council for deliberation, discussion or decision by the City Council by submitting a written request to the City Secretary no later than noon on the Friday immediately preceding the meeting in question. The request shall state the name, address and telephone number of the requesting party together with a brief description of the subject to be placed on the agenda. All requests with respect to called meetings shall be made in like manner no later than noon on the third day preceding the meeting or the business day preceding the third day if the third day preceding the meeting falls on a weekend or holiday. The City Secretary shall, upon receipt of a request in compliance with this section, place the subject on the agenda for the next City Council meeting.

(Ord. No. 358, § 1(2-9), 5-12-86)

State law reference(s)--Meetings, V.T.C.A., Local Government Code § 22.038.

Sec. 2-22. Procedural rules.

Any and all rules regarding the conduct of City Council meetings and/or all other official City business shall be as established by majority vote of the City Council, from time to time.

(Ord. No. 358, § 1(2-10), 5-12-86)

Sec. 2-23. Determination of policies.

Any and all policies, administrative guidelines or rules under which the City operates, whether contained in an ordinance, resolution, or other written or unwritten policy, shall be determined by a majority vote of the City Council, and may not be altered, amended or repealed without subsequent like action by the City Council.

(Ord. No. 358, § 1(2-11), 5-12-86)

Sec. 2-24. Noninterference with City employees.

No member of the City Council, neither the Mayor nor any alderman, shall order, direct, or request the performance or nonperformance of any act by any City employee, provided, however, that if any member of the City Council is designated by the City Council to perform the duties of City Manager in the event of the vacancy, absence or disability of the City Manager, then this section shall not apply to the City Manager designee during the term of such vacancy, absence or disability. Any such requests as well as performance review, administrative supervision and correction or reprimand shall be handled by and through the appropriate administrative supervisor which, in the case of the police department, shall be the Chief of Police and in all other cases shall be the City Manager.

(Ord. No. 358, § 1(2-12), 5-12-86; Ord. No. 450, §1, 1/17/97, sec. amended.)

Cross reference(s)--City Manager, § 2-246 et seq.; police department, § 2-321 et seq.

Secs. 2-25--2-40. Reserved.

DIVISION 2. ALDERMEN

Sec. 2-41. Place system election of aldermen.

The City hereby adopts the provisions of V.T.C.A., Local Government Code § 21.001 directing that aldermen shall be elected by the place system. Such places shall be numbered One, Two, Three, Four and Five.

(Code 1977, § 2-2)

Secs. 2-42--2-60. Reserved.

DIVISION 3. MAYOR*

***Cross reference(s)--** All offices, department heads and employees of the city, except members of the governing body, the municipal court judge, members of the police department other than Chief of Police, shall be filled by appointment by the City Manager, with the advice and consent of the City Council and subject to confirmation by the City Council, § 2-226; the Chief of Police shall be appointed or discharged upon the recommendation of the Mayor with the approval of the City Council, § 2-323 et seq.; the Mayor is the emergency management director for the city, § 5-1.

State law reference(s)--Mayor as presiding officer, V.T.C.A., Local Government Code § 22.037; powers and duties of Mayor, V.T.C.A., Local Government Code § 22.042.

Sec. 2-61. Powers and duties.

Subject to the express grant of powers and duties to the City Manager as chief administrator of the city's business as set forth in V.T.C.A., Local Government Code § 25.029 and section 2-246 et seq., the Mayor, or in the event of his failure, inability or refusal to act, the Mayor pro tempore, shall have and exercise the powers and duties set forth in this division, strictly construed. Any question or ambiguity shall be resolved in favor of delegation to the City Manager or retention by the City Council, as may be in accordance with state law and the provisions of this Code, ordinances, resolutions and policies of the city.

(Ord. No. 358, § 1(2-40), 5-12-86)

Sec. 2-62. Statutory authority.

The Mayor shall have any power or duty expressly conferred upon him by statute to the extent it is not delegable to the City Manager or retainable by the City Council, specifically including the following:

- (1) To serve as presiding officer of the City Council during all City Council meetings, but having no vote except in the event of a tie vote, in which case he shall have the tie breaking vote.
- (2) To sign all bonds, certificates of obligation, and other evidences of debt as may be authorized from time to time by the City Council, unless otherwise provided by statute or ordinance, and to sign all ordinances, resolutions, proclamations, and official minutes of the City Council meetings.

- (3) To administer oaths of offices.
- (4) To call all municipal elections giving notice and appointing election judges and clerks.
- (5) To summon into service by proclamation or special order a special police force in accordance with V.T.C.A., Local Government Code § 341.011.

(Ord. No. 358, § 1(2-41), 5-12-86)

State law reference(s)--Powers and duties of Mayor, V.T.C.A., Local Government Code § 22.042.

Sec. 2-63. Other powers and duties.

The Mayor shall, in addition to section 2-62, have the following powers and duties:

- (1) Act as emergency management director of the City, performing all the duties prescribed by the emergency management plan of the City as adopted by the City Council and as amended, from time to time.
- (2) Act as the chief representative and ambassador of the City Council at public functions.
- (3) To make appointments to fill vacancies on boards, committees and commissions not otherwise provided for under this Code or other law or ordinance of the City.
- (4) Perform such other duties as may be approved by the City Council or as may be expressly prescribed by this Code or other ordinance of the City from time to time.

(Ord. No. 358, § 1(2-42), 5-12-86)

Cross reference(s)--Emergency management, ch. 5.

Secs. 2-64--2-80. Reserved.

ARTICLE III. BOARDS, COMMITTEES, COMMISSIONS*

***Cross reference(s)**--Building board of adjustment and appeal, §4-46, et seq.

DIVISION 1. GENERALLY

Secs. 2-81--2-160. Reserved.

DIVISION 2. PARKS COMMISSION*

***State law reference(s)**--Parks, V.T.C.A., Local Government Code § 315.001 et seq.

Sec. 2-161. Established; membership.

There is hereby established a parks commission for the city. This commission shall consist of twelve (12) persons serving without pay who shall be appointed by the Mayor, with the consent of the council. Included in the twelve (12) persons shall be the invited representatives of six (6) clubs or organizations existing within the City including the Rotary Club, West Columbia Chamber of Commerce, Lions Club, the American Association of Retired Persons (AARP), Study Club, and Garden Club. The terms of office shall be for six (6) years or until their successors are appointed and qualified. Vacancies in such commission occurring otherwise than by expiration of term shall be filled by the Mayor, with the consent of the council, for the unexpired term.

(Ord. No. 307, § 1(9-1), 1-11-82)

Sec. 2-162. General duty; organization.

The parks commission shall recommend to the council all policies, rules and regulations relating to the administration of a public park and recreation program. Immediately after the commission's appointment, it shall meet and organize by election and by installing officers as may be necessary. The commission shall have the power to adopt rules and regulations for the proper conduct of its business.

(Ord. No. 307, § 1(9-2), 1-11-82)

Sec. 2-163. Gifts, bequests, donations.

The parks commission may also solicit or receive for the City any gifts or bequests of money or other personal property, or any donations to be applied, principal or income, for either temporary or permanent use for playgrounds or other recreational purposes.

(Ord. No. 307, § 1(9-3), 1-11-82)

Sec. 2-164. Budget.

The parks commission shall submit annually a budget to the City Council for their approval.

(Ord. No. 307, § 1(9-4), 1-11-82)

Sec. 2-165. Reports.

The parks commission shall make to the City full and complete annual and other required reports and shall also make reports requested by other agencies.

(Ord. No. 307, § 1(9-5), 1-11-82)

Sec. 2-166. Cooperation with other entities.

The parks commission is authorized to work jointly with other municipal departments and/or political subdivisions to provide and establish, operate, conduct and maintain a supervised recreation system and to acquire, operate, improve and maintain property, both real and personal, for parks, playgrounds, recreation centers and other recreation facilities and activities.

(Ord. No. 307, § 1(9-6), 1-11-82)

Sec. 2-167. Handling of receipts; Treasurer.

The parks commission shall be authorized to establish and maintain a checking account and a savings account, one (1) or both, the proceeds of which shall be dispensed as the parks commission determines. The City Treasurer shall be the treasurer of the commission, and shall maintain, receive and disburse the commission's funds as the commission determines and in accordance with the city's administrative policy.

Secs. 2-168-180. Reserved.

DIVISION 3. PLANNING COMMISSION*

*Cross reference(s)--Subdivisions, ch. 17.

Sec. 2-181. Created and established; membership.

There is created and established for the city a planning commission, known as the "West Columbia Planning Commission," which shall be composed of nine (9) members, seven (7) of whom shall be resident citizens, taxpayers, and qualified voters of the city. Two (2) members shall be residents of the area under the extraterritorial jurisdiction of the city as defined by V.T.C.A., Local Government Code § 42.001 et seq., and shall be taxpayers and qualified voters in that area. All members shall be appointed by the Mayor subject to confirmation by the city council, to serve for terms of three (3) years.

(Code 1977, § 15-1)

Sec. 2-182. Organization.

The planning commission shall elect a chairman and vice-chairman from its membership. The city council may furnish such qualified persons or technical assistance as may be deemed necessary for the proper conduct and undertaking of the planning commission. The planning commission shall have the power to make rules, regulations and bylaws for its own government, which shall conform as nearly as possible with those governing the city council which shall be subject to approval by such city council. Such bylaws shall include, among other items, provisions for regular and special meetings, open to the public; record of its proceedings, to be open for inspection by the public; reporting to the city council and the public, from time to time and annually; and for the holding of public hearings.

(Code 1977, § 15-2)

Sec. 2-183. Powers and duties.

The planning commission shall have the power, and it shall be its duty, to make and recommend for adoption a comprehensive city plan, as a whole or in parts, for the future development and redevelopment of the municipality and its environs. The commission shall have, but not be limited thereto, the following duties and powers:

- (1) Make studies and project plans for the improvements of the city with a view of its development and extensions, and to recommend to the city council all action necessary for the development and advancement of the city facilities, and to perform the duties imposed upon the planning commission by the statutes of the state.
- (2) Make plans and maps of the whole or any portion of the city and of land outside the city located within the planning area of such city, as determined by the planning commission, and any other land outside the city which in the opinion of the city planning commission bears a relation to the planning of the city, and to make such changes in additions and extensions of plans or maps within the city as it deems advisable.
- (3) Aid and assist the city council in the preparation of the annual city capital improvement budget and determination of sources of funds and in procuring of financial and other aids and assistance for the city from the state and federal governments and their agencies for each and all of the purposes herein enumerated.
- (4) Act with and assist all other municipal and governmental agencies and especially the city council in formulating and executing proper plans for municipal development.
- (5) Plan and recommend the location, size, character and extent of city alleyways; parks; playgrounds; airports; automobile parking places; public buildings; schools; other public grounds, improvements and properties; and public utilities, including public and privately owned bus terminals, railroads, depots, terminals, water systems, lights, sanitation system, sewage disposal, drainage, flood control, transportation, communication, and shipping facilities; and for the removal, relocation, widening, extension, narrowing, vacation, abandonment or change of use of any of the foregoing public places, work buildings, facilities or utilities.
- (6) Select and recommend to the city council routes of streets, avenues and boulevards and particularly to investigate and recommend the opening, widening or abandonment of streets, avenues, boulevards, alleyways and parks or the changing thereof to conform to the comprehensive plan.
- (7) Investigate, consider and report to the city council on the layout and

plan of any new subdivision to the city, or replatting thereof, or subdivision of property situated within the city's extraterritorial jurisdiction and to approve all plans, plats or replats of additions within such jurisdiction.

- (8) Recommend to the city council for adoption rules and regulations governing plats and subdivision of land within the corporate limits of the city and within the area of extraterritorial jurisdiction to promote health, safety, moral and general welfare of the community, and the safe and orderly and healthful development of the area.
- (9) Recommend plans to the city council for improving, developing, expanding and beautifying the parks, lakes and public buildings in or adjacent to the city and cooperate with the city council and other agencies of the city in devising, establishing, locating, improving, selecting, expanding and maintaining the public parks, playgrounds and lakes for public recreation.
- (10) Aid and assist the city council by recommending plans for the development of a civic center and to make investigations, consider and make recommendations to the city council concerning traffic regulations, routing and controlling, and highway designations.
- (11) Make recommendations for building codes.

(Code 1977, § 15-3)

Cross reference(s)--Buildings and building regulations, ch. 4; streets and sidewalks, ch. 16; subdivisions, ch. 17.

ARTICLE IV. OFFICERS AND EMPLOYEES*

***Cross reference(s)**--Municipal judge, § 2-352; building official, § 4-66 et seq.; emergency management director, § 5-1; fire marshal, § 7-26 et seq.; retirement and pensions, ch. 14; director of public works, § 19-31.

State law reference(s)--Municipal officers, V.T.C.A., Local Government Code § 22.071 et seq.; officers and employees, V.T.C.A., Local Government Code § 141.001 et seq.

DIVISION 1. GENERALLY

Sec. 2-201. Filling appointive offices.

(a) Except for members of the governing body, the municipal court judge, and members of the police department other than the Chief of Police, all offices, department heads and employees of the city shall be filled by appointment by the City Manager, with the advice and consent of the City Council.

(b) Nothing in this section shall be construed to prevent the City Council from exercising its powers to confer upon any officer additional duties or combine duties of offices as otherwise provided by law.

(c) All officers, nonelected officials or appointees of the City are subject to removal by the same person and or body having authority to appoint them.

(d) Any vacancies occurring in an appointive office shall be filled in the same manner.

(Code 1977, § 14-1; Ord. No. 329, § 1, 6-27-86; Ord. No. 406, § 1(b), 9-9-91)

Cross reference(s)--City Council, § 2-26 et seq.; Mayor, § 2-71 et seq.; police department, § 2-321 et seq.

Sec. 2-202. Appointment of specific officers.

The City Manager, with the advice and consent of the City Council, shall appoint the following:

- (1) All department heads, including the Chief of Police;
- (2) City Secretary/Treasurer and the assistant City Secretary/Treasurer;
- (3) Fire marshal;
- (4) Director of public works (in the absence of an appointment the City Manager shall serve in this capacity);
- (5) All employees of the City with exception of members of the police department;

- (6) City engineer; and
- (7) City attorney.

Cross reference(s)--City Secretary/Treasurer, § 2-276 et seq.; animals, ch. 3; fire marshal, § 7-26 et seq.; utilities, ch. 19.

Sec. 2-203. Bond.

The bond for each City employee handling money for the City, including the tax assessor-collector, shall be a minimum of twenty-five thousand dollars (\$25,000.00).

(Code 1977, § 2-26)

State law reference(s)--Bond, V.T.C.A., Local Government Code § 22.072.

Secs. 2-204--2-230. Reserved.

DIVISION 2. CITY MANAGER*

***Editor's note**--The referendum adopting the City Manager provisions was on May 9, 1943.

Cross reference(s)--City Manager designated as the purchasing agent, § 6-141; City Manager to designate curb loading zones, § 18-154.

State law reference(s)--City Manager, V.T.C.A., Local Government Code § 25.021 et seq.

Sec. 2-231. Appointment; function.

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 City Council.

(Code 1977, § 2-20)

Sec. 2-232. Residence.

The City Manager need not be a resident of the city when appointed, but during the term of his office shall reside in the city.

(Code 1977, § 2-21)

State law reference(s)--Qualifications, V.T.C.A., Local Government Code § 25.027.

Sec. 2-233. Term of office.

The City Manager shall be appointed for an indefinite period and shall be subject to discharge at the will of the City Council.

(Code 1977, § 2-22)

State law reference(s)--Similar provision, V.T.C.A., Local Government Code § 25.028.

Sec. 2-234. Absence or disability.

During any vacancy in the office or during the absence or disability of the City Manager, the City Council shall designate some properly qualified person to perform the duties of such office.

(Code 1977, § 2-23; Ord. No. 450, §2, 1/17/97, language added)

Sec. 2-235. Powers and duties.

The powers and duties of the City Manager shall be as follows:

- (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. The West Columbia Volunteer West Columbia Volunteer Fire Department is an independent nonprofit organizations, and the City Manager shall represent the City in dealing with the fire department, to the extent of its use of City property and its interaction with and fiscal support from the City.
- (2) To see that all laws and ordinances are enforced.

- (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.
- (4) To exercise supervision and control over all departments created by the City Council or that may hereafter be created by the Council.
- (5) To attend all meetings of the City Council with the right to take part in the discussion, but having no vote; 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 or its inhabitants in any public utility franchise are faithfully kept and performed and upon knowledge of any violation thereof to call the same 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, with the exception of the budgets for the West Columbia Volunteer West Columbia Volunteer Fire Department which shall first be submitted to the Mayor and City Council for their approval and then to the City Manager for incorporation into the general City budget.
- (8) In addition to the foregoing subsection (7), to 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 each monthly expenditures, by department, 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 deeds of the city, with the exception of the West Columbia Volunteer West Columbia Volunteer Fire Department, with the head of that department being responsible for submitting such information directly to the Mayor and City Council.
- (10) To act as purchasing agent for the City.

- (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 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 and resolution of the City Council.

(Code 1977, § 2-24; Ord. No. 322, § 2, 1-24-83; Ord. No. 329, § 1, 6-27-86; Ord. No. 406, § 1(a), 9-9-91)

Cross reference(s)--Finance, § 6-126 et seq.

State law reference(s)--Powers and duties, V.T.C.A., Local Government Code § 25.029.

Sec. 2-236. Compensation as fixed.

The City Manager shall receive such compensation as the City Council shall fix from time to time by ordinance or resolution.

(Code 1977, § 2-25)

Sec. 2-237. Surety bond.

The City Manager shall furnish a surety bond, to be approved by the City Council, in such amount as set by the City Council by resolution. The premium therefor shall be paid by the city.

(Code 1977, § 2-26)

State law reference(s)--Bond, V.T.C.A., Local Government Code § 25.029.

Secs. 2-238--2-250. Reserved.

DIVISION 3. CITY SECRETARY/TREASURER*

***Cross reference(s)**--The City Manager with the advice and consent of the City Council shall appoint a City Secretary/Treasurer, director of public works, fire marshal, § 2-227; City Secretary shall be clerk of the municipal court, § 2-390.

State law reference(s)--City Secretary, V.T.C.A., Local Government Code §§ 22.071, 22.073.

Sec. 2-251. Appointment; function.

The City Manager shall appoint a City Secretary/Treasurer, who shall perform the duties of that office under the direction and supervision of the City Manager.

(Ord. No. 345, § 1(3-1), 9-24-84)

Sec. 2-252. Same--Term of office.

The City Secretary/Treasurer shall be appointed for an indefinite period.

(Ord. No. 345, § 1(3-2), 9-24-84)

Sec. 2-253. Same--Powers and duties.

The powers and duties of the City Secretary/Treasurer, shall be to:

- (1) Attend the meetings of the City Council and keep accurate minutes of the proceedings thereof and post notices of such meetings as required by law.
- (2) Engross and enroll all laws, resolutions and ordinances of the City Council.
- (3) Keep the corporate seal.
- (4) Take charge of and preserve and keep in order all the books, records, papers, documents and files of the City Council.

- (5) Countersign all commissions issued to city officers, and licenses issued by the Mayor, and keep a record thereof.
- (6) Draw and countersign all warrants on the treasury of the City and keep an accurate account thereof.
- (7) Be the general accountant of the City, and keep in books regular accounts of the receipts and disbursements for the City.
- (8) Perform such other duties as may from time to time be required by the City Manager or City Council.

(Ord. No. 345, §I(3-3), 9-24-84)

Sec. 2-254. Assistant–Appointment; function.

The City Manager shall appoint an assistant City Secretary/Treasurer, who shall perform the duties of the regular City Secretary/Treasurer in the absence of that officer under the direction and supervision of the City Manager.

(Ord. No. 345, § I(3-1), 9-24-84)

Secs. 2-255--2-270. Reserved.

ARTICLE V. DEPARTMENTS*

***Cross reference(s)**--City Council not to interfere with administration by the City Manager of city departments and employees, § 2-29 et seq.; retirement and pensions, ch. 14.

DIVISION 1. GENERALLY

Secs. 2-271--2-290. Reserved.

DIVISION 2. POLICE DEPARTMENT*

***Cross reference(s)**--The City Manager shall appoint all officers and employees with the advice and consent of the City Council except for the members of the police department who shall be appointed by the Mayor with the advice and consent of the City Council, § 2-226; obedience to police department officials required, § 18-3; traffic regulation authority of police and West Columbia Volunteer Fire Department officials, § 18-26.

State law reference(s)--Police force, V.T.C.A., Local Government Code § 341.001; police chief, V.T.C.A., Local Government Code § 341.021; police officers' compensation, V.T.C.A., Local Government Code § 141.006.

Sec. 2-291. Created and established.

There is created and established a police department for the city.

(Code 1977, § 14-40)

Sec. 2-292. Composition.

The police department shall consist of a Chief of Police and such number of police officers and detectives as the City Council may from time to time deem necessary and proper.

(Code 1977, § 14-41)

Sec. 2-293. Appointment, removal of members.

The Chief of Police shall be appointed or discharged upon the recommendation of the City Manager with the advice and consent of the City Council. All the members of the police department, expressly including the animal control officer, shall be appointed or discharged, suspended and/or reinstated by the Chief of Police, with the advice and consent of the City Manager. Members, including the animal control officer, shall be appointed, discharged, suspended and/or reinstated by the Chief of Police, with the advice and consent of the City Manager.

(Code 1977, § 14-42; Ord. No. 329, § 1, 6-27-86; Ord. No. 406, § 1(c), 9-9-91)

Cross reference(s)--Mayor, § 2-71 et seq.

Sec. 2-294. Official oath and bond.

All members of the police department, expressly including all reserve officers, but expressly excluding all clerical or other personnel not licensed as a peace officer or law enforcement officer by the State of Texas, shall subscribe to the oath of office prescribed by the constitution of the State, and shall give surety bond, payable to the city in the sum of twenty-five thousand dollars (\$25,000.00), the premium for which shall be paid by the city.

(Code 1977, § 14-43)

Sec. 2-295. Commission--Form.

After subscribing to the oath of office and giving bond as provided in this division, a commission shall be issued to the appointee in form as follows:

A. COMMISSION FOR CHIEF OF POLICE

"TO ALL WHOM THESE PRESENTS COME GREETING:

"I, _____, CITY MANAGER FOR THE CITY OF WEST COLUMBIA, TEXAS, HAVING CONFIDENCE IN _____ DO, UPON AUTHORITY OF SECTION 2-293 OF THE CODE OF ORDINANCES OF THE CITY OF WEST COLUMBIA APPOINT HIM AS CHIEF OF POLICE FOR SAID CITY. DONE THE _____ DAY OF _____, _____.

CITY MANAGER, CITY OF WEST
COLUMBIA, TEXAS

APPROVED:

CITY COUNCIL

B. COMMISSION FOR ALL OTHER POLICE OFFICERS OF THE CITY

"TO ALL WHOM THESE PRESENTS COME GREETING:

"I, _____, CHIEF OF POLICE FOR THE CITY OF WEST COLUMBIA, TEXAS, HAVING CONFIDENCE IN _____ DO, UPON AUTHORITY OF SECTION 2-293 OF THE CODE OF ORDINANCES OF THE CITY OF WEST COLUMBIA , TEXAS, APPOINT HIM AS A POLICE OFFICER FOR SAID CITY. DONE THE _____ DAY OF _____, _____.

CHIEF OF POLICE, CITY OF WEST
COLUMBIA, TEXAS

APPROVED:

CITY MANAGER
(Code 1977, § 14-44)

Sec. 2-296. Same--Approval required.

No commission shall be or become effective unless and until the records of the City show affirmatively that it has, in the case of the Chief of Police, been issued by the City Manager, and in the case of all other police department personnel, been issued by the Chief of Police with the approval and consent of the City Manager.

(Code 1977, § 14-45)

Sec. 2-297. Badge.

A metallic badge, bearing the inscription "Police--West Columbia, Texas" shall be issued to each regular and duly commissioned member of the police department.

(Code 1977, § 14-46)

Sec. 2-298. Chief.

The Chief of Police shall have supervision over the other members of the police department.

(Code 1977, § 14-47)

Sec. 2-299. Classified service.

The members of the police department shall be classified in position, office and salary by proper resolution submitted by the City Manager and approved by the City Council.

(Code 1977, § 14-48; Ord. No. 329, § 1, 6-27-86; Ord. No. 406, § 1(d), 9-9-91)

Sec. 2-300. Preserving peace.

It is the duty of every member of the police department to preserve the peace within the city, and to effect this purpose the officer may use all lawful means. He may interfere without warrant to suppress or prevent crime.

(Code 1977, § 14-49)

Sec. 2-301. Duties, standards of conduct and rules as determined.

The duties, standards of conduct and rules prescribed for the police department shall be as determined by the City Manager with the advice and consent of the City Council from time to time. The policy handbook in effect as of the adoption of this Code is entitled "West Columbia City Employee Handbook" adopted on October 11, 1993. A copy of the policy in effect, from time to time, shall be on file and maintained in the offices of both the Chief of Police and the City Manager.

(Code 1977, § 14-50; Ord. No. 329, § 1, 6-27-86; Ord. No. 406, § 1(e), 9-9-91)

Sec. 2-302. General powers and duties.

Members of the police department shall have all the power and authority vested and reposed in them as peace officers under and by virtue of the laws of the state and ordinances of the city, and their duties shall correspond to the powers and authority so vested in them.

(Code 1977, § 14-51)

Sec. 2-303. Inter-local police assistance.

The Chief of Police of the City, subject to the approval of either the City Manager or the Mayor, is authorized to detail law enforcement officers of the police department to assist any other county or municipality, when, in the opinion of the City Manager or other officer authorized to declare a state of civil emergency in such other county or municipality, there exists a need for the services of additional law enforcement officers to protect the health, life, and property of such other county or municipality, its inhabitants and the visitors thereto, by reason of riot, unlawful assembly characterized by the use of force and violence, or threat thereof by three (3) or more persons acting together or without lawful authority, or during time of natural disaster or manmade calamity, and a request for additional law enforcement officers is made to the City Manager by Mayor or officer authorized to declare a state of emergency in such other county or municipality.

(Code 1977, § 14-52; Ord. No. 329, § 1, 6-27-86; Ord. No. 406, § 1(f), 9-9-91)

State law reference(s)--Law enforcement assistance, V.T.C.A., Local Government Code § 362.002.

Secs. 2-304--2-320. Reserved.

DIVISION 3. POLICE RESERVE FORCE*

***State law reference(s)**--Police reserve force compensation, V.T.C.A., Local Government Code § 141.007; police reserve force, authority to create, V.T.C.A., Local Government Code § 341.012.

Sec. 2-321. Established, separate and distinct from police department.

An auxiliary police force to be known as the police reserve is hereby established. Such force shall be separate and distinct from the police department.

(Ord. No. 263, § 1(14-60), 8-14-78)

Sec. 2-322. General powers of Chief of Police relative to reserve.

(a) The Chief of Police shall be the head of the police reserve and the

members of the reserve shall be under the authority, control and command of the Chief of Police, subject to all the provisions of the statutes of the state, ordinances of the city and of this article.

(b) The Chief of Police may, by order, establish rules and regulations to govern the police reserve force, to fix specific duties of its members and to provide for the maintenance of discipline. He may change such orders from time to time, and he may command members of the police reserve force to obey the instructions of regular police officers in carrying out their orders.

(Ord. No. 263, § 1(14-61), 8-14-78)

Sec. 2-323. Composition.

The police reserve force shall be composed of personnel who have volunteered to join the organization and whose applications for membership have been accepted and who have complied with all the rules, regulations and orders provided for the conduct of the members thereof.

(Ord. No. 263, § 1(14-62), 8-14-78)

Sec. 2-324. Diminishing or expanding membership.

The Chief of Police may by order diminish or expand the membership of the police reserve force as exigency may require.

(Ord. No. 263, § 1(14-63), 8-14-78)

Sec. 2-325. Application for membership.

Application for membership in the police reserve shall be filed with the Chief of Police. Such application shall be on a form prescribed by the Chief of Police and approved by the City Council and shall state the residence of the applicant.

(Ord. No. 263, § 1(14-64), 8-14-78)

Sec. 2-326. Applicant's qualifications and references.

Each applicant for membership in the police reserve shall furnish satisfactory proof of good character, temperate habits and physical ability to perform the duties of the position for which he seeks appointment. He shall furnish three (3)

references and attach letters of recommendation from such references to the application. He shall hold a reserve officers' certificate granted by the Texas Commission on Law Enforcement Officer Standards and Education, and shall meet the minimum standard for a law enforcement officer as established by that commission.

(Ord. No. 263, § 1(14-65), 8-14-78; Ord. No. 448, §1, 8/12/96, sec. amended.)

Sec. 2-327. Oath required of applicants.

Every person whose name appears on the list of eligibles referred to in section 2-328 shall subscribe to an oath that he will observe and obey the Constitution of the United States, the Constitution of this state, and the laws of this nation, this state and this city and that he will carry out the duties of a member of the police reserve force to the best of his ability.

(Ord. No. 263, § 1(14-66), 8-14-78)

Sec. 2-328. List of eligibles, appointment of members.

A list of eligibles compiled by the Chief of Police and accompanied by a complete set of fingerprints, or supplemented immediately by fingerprinting by the police department, which fingerprints shall be checked by the identification bureau to ascertain any criminal record of such person, shall be maintained by the police department. Members of the police reserve shall be appointed from such list of eligibles by the Chief of Police subject to the advice and consent of the City Manager.

(Ord. No. 263, § 1(14-67), 8-14-78)

Sec. 2-329. Uniforms and badges for members.

The Chief of Police shall prescribe the uniforms and badges for the members of the police reserve force and direct the manner in which the same shall be worn.

(Ord. No. 263, § 1(14-68), 8-14-78)

Sec. 2-330. Duties.

The duties of the police reserve force, subject at all times to the direction,

supervision and control of the Chief of Police, shall be to assist the regular members of the police department in the enforcement of law and the maintenance of peace and order during periods of emergency designated by the Chief of Police. The chief may prescribe other duties than those mentioned herein to be performed by the police reserve force, not inconsistent with the provisions of this division.

(Ord. No. 263, § 1(14-69), 8-14-78)

Sec. 2-331. Power of arrest.

A member of the police reserve force shall have, only while on active duty, the same power of arrest as a regular police officer.

(Ord. No. 263, § 1(14-70), 8-14-78)

Sec. 2-332. Supervision by regular officers.

No member of the police reserve force shall have any authority to act as a police officer or to otherwise represent the City unless expressly authorized to be on duty by the Chief of Police or other supervisor. At all times, even when on duty, all members of the police reserve force are expressly subject to the supervision and direction of the Chief of Police and any other member of the regular police force of the City.

(Ord. No. 263, § 1(14-71), 8-14-78)

Sec. 2-333. Termination of membership generally.

(a) Membership of any person in the police reserve may be terminated by the Chief of Police at any time for any cause deemed sufficient by the Chief of Police. Any member may resign from the police reserve at any time, but it shall be his duty to notify the chief of his resignation.

(b) In addition to the penalties provided by law, any violation of law under color of the performance of his duties as a member of the police reserve force and any breach of the rules and regulations established by the Chief of Police shall subject any member to summary expulsion and the fact thereof may be published at the order of the chief.

(Ord. No. 263, § 1(14-72), 8-14-78)

Sec. 2-334. Duration of membership.

All appointments to membership in the police reserve force shall be effective upon appointment by the Chief of Police and shall continue until terminated as provided in the preceding section.

(Ord. No. 263, § 1(14-73), 8-14-78; Ord. No. 448, §1, 8/12/96, sec. amended in its entirety.)

Sec. 2-335. Impersonating member.

It shall be unlawful for any person to wear, carry or display a police reserve force identification card, uniform or badge or otherwise present himself to be connected with the police reserve force unless he is in fact a member thereof in good standing.

(Ord. No. 263, § 1(14-74), 8-14-78)

Secs. 2-336--2-350. Reserved.

ARTICLE VI. MUNICIPAL COURT*

***Cross reference(s)**--Miscellaneous offenses, ch. 12; abatement of certain nuisances by municipal court order, § 13-36; traffic and vehicles, ch. 18.

State law reference(s)--Municipal court, V.T.C.A., Government Code § 29.001 et seq., Vernon's Ann. C.C.P. art. 45.01 et seq.

Sec. 2-351. Organization and administration.

The municipal court of the city shall be constituted and administered in accordance with the laws of the state governing such courts and shall operate under the Texas Code of Criminal Procedure and such other rules and regulations as may be prescribed by ordinance of the city not inconsistent with any laws of the state.

(Ord. No. 306, § 2(2-40), 12-14-81)

Sec. 2-352. Judge.

(a) The office of judge of the municipal court shall be filled by appointment by the Mayor of the city, with the advice and consent of the City Council.

(b) The judge shall perform the duties as prescribed by the laws of the state.

(c) The judge shall be appointed for a term of office running concurrently with that of the Mayor, but in any event shall hold such office for the term appointed and continuing until a successor has been appointed and qualified.

(d) The judge shall receive such compensation as the City Council may prescribe by ordinance or resolution from time to time, in accordance with V.T.C.A., Local Government Code § 141.001 and shall furnish such surety bond as may be required by the City Council, with the premium to be paid by the city.

(Ord. No. 306, § 2(2-41(a)--(d)), 12-14-81)

Cross reference(s)--Officers and employees, § 2-226 et seq.

State law reference(s)--Judge, V.T.C.A., Government Code § 29.004.

Sec. 2-353. Alternate judge.

The Mayor, with the advice and consent of the City Council, may also appoint an alternate judge in accordance with V.T.C.A., Government Code § 29.006, to serve when the regular judge of the municipal court is on vacation, is sick, is disqualified to sit in a particular case, or is temporarily unable to act for any other reason. The alternate municipal judge shall be appointed for a term of office running concurrently with that of the Mayor, but in any event shall hold such office for the term appointed and continuing until a successor has been appointed and qualified.

(Ord. No. 306, § 2(2-41(e)), 12-14-81)

State law reference(s)--Temporary replacement, V.T.C.A., Government Code § 29.006.

Sec. 2-354. Oath of office.

Both the judge of the municipal court and the alternate municipal judge shall take and subscribe to the constitutional oath of office before entering upon the performance of their duties as such.

(Ord. No. 306, § 2(2-41(f)), 12-14-81)

Sec. 2-355. Clerk of the municipal court--Generally.

The clerk of the municipal court shall be the City Secretary and is authorized to appoint a deputy with the same power upon the approval of the City Manager. Such deputy shall hold his office during the term of the City Secretary. The clerk shall keep minutes of the court, issue all process, and generally perform all the duties of a clerk of the court as prescribed by law of a county clerk insofar as the same may be applicable. Such deputy clerk shall receive such compensation as the City Council shall fix by ordinance or resolution in accordance with V.T.C.A., Local Government Code § 141.001, and shall furnish such surety bonds as may be required by the City Council, the premium to be paid by the city. Such deputy clerk shall have same benefit package as other clerical staff as administered by the personnel director of the city.

(Ord. No. 306, § 2, 12-14-81; Ord. No. 356, § 1, 2-10-86)

Cross reference(s)--City Secretary/Treasurer, § 2-276 et seq.

State law reference(s)--Clerk, V.T.C.A., Government Code § 29.010.

Sec. 2-356. Same--Powers, duties.

The clerk of the municipal court shall have all powers and duties as prescribed by law.

(Ord. No. 271, 3-12-79; Ord. No. 356, § 1, 2-10-86)

State law reference(s)--Powers and duties of clerk, V.T.C.A., Government Code § 29.010.

Sec. 2-357. Service fees.

(a) With the exception of actions by any officer and/or employee of the city performed during that officer's or employee's on-duty hours, any person, duly authorized by law to execute or otherwise handle an outstanding warrant, who executes or otherwise handles an outstanding warrant, shall be paid a service fee in the amount of thirty-five dollars (\$35.00) per warrant so executed and/or handled in addition to any other compensation payable to that person as a result of his holding an office with or being employed by the city, if such action culminates in the accused person named in that warrant appearing before the municipal court. The service fee provided for herein is not intended nor shall it be construed as court costs, nor shall it be imposed upon nor assessed against the accused person in addition to the fine or any other costs which may be imposed by state law.

(b) Persons authorized to so execute or otherwise handle warrants and to be paid a fee provided above shall include, but not be limited to, any and all police officers of the city, the clerk and any and all deputy clerks of the municipal court, together with any and all other persons so authorized, either within or without the city.

(c) Notwithstanding any provisions above to the contrary, no service fee shall be paid unless the execution of the warrant or other actions on the part of the person in question resulting in the payment of a fine by the accused are such that they do not detract from, supplant or otherwise interfere with the duties or other obligations of the person in question as an officer and/or employee of the city.

(d) For the purpose of this section, the last person contacting the accused either in person, in writing or by telephone prior to that person's appearance before the municipal court, which results in his conviction and the payment of a fine, shall be deemed to be the person entitled to receive the service fee payable as a result of the payment of such fine.

(e) Any and all fines or other fees payable by a defendant in the

municipal court shall be deposited in the municipal treasury. Any and all service fees payable as set forth above shall be paid out of the municipal treasury.
Ord. No. 306, § 2(2-43), 12-14-81)

Cross reference(s)--Finance, § 6-126 et seq.

Sec. 2-358. Officer's fees.

In addition to the service fees provided for above, the various officers of the municipal court, including the clerk, deputy clerks, city attorney and other officers of the court, shall be paid such compensation for such services as may be determined from time to time by the City Council through the adoption of the annual city budget, and otherwise in accordance with V.T.C.A., Local Government Code § 141.001.

(Ord. No. 306, § 2(2-44), 12-14-81)

Sec. 2-359. Fines and Special Expenses

The Municipal Court is empowered to assess a Special Expense for the issuance and service of a warrant of arrest, upon a defendant's failure to appear, after due notice, not to exceed \$50.00 for an offense under Section 38.10, Texas Penal Code, Section 543.009 of the Texas Transportation Code, or under Section 45.203, Texas Code of Criminal Procedure; and/or the special expenses described in Article 17.04 dealing with the requisites of a personal bond. For the purposes of this section, due notice shall consist of a written request to appear before the court no later than ten (10) days from the date of the notice, said notice to be addressed to the defendant at the address according to the court records or reflected by the defendant's Texas Driver License. The Municipal Court is further empowered to collect a special expense for service performed in cases in which the laws of this State require that the case be dismissed because of actions by or on behalf of the defendant which were subsequent to the date of the alleged offense. Such special expense shall not exceed the actual expenses incurred for the services or \$10, whichever is less. Such expense fee shall be paid into the City Treasury for the use and benefit of the city.

(Ord. No. 424, §1, 11/8/93, added)

State law reference(s)--City Secretary as municipal court clerk authorized, V.T.C.A., Government Code § 29.010.

Secs. 2-360--2-380. Reserved.

ARTICLE VII. CITY PROPERTY*

***Cross reference(s)**--Acquisition of real estate by purchase or imminent domain, § 6-147; streets and sidewalks, ch. 16.

State law reference(s)--Sale or lease of city property, V.T.C.A., Local Government Code § 272.001 et seq.

Sec. 2-381. Use restricted.

No member of the City Council, either the Mayor or any of the aldermen, shall be entitled to the use of city property to the exclusion and/or detriment of any nonelected city officers or employees. The maintenance of an office or other area designated for the exclusive or primary use by the Mayor and/or any alderman on city property is expressly prohibited. Nothing contained herein is intended, nor shall it be construed, as prohibiting or in any manner interfering with the conduct of lawful meetings of the City Council or any committee or commissions thereof on city property.

(Ord. No. 358, § 1(2-8), 5-12-86)

Secs. 2-382--2-390. Reserved.

ARTICLE VIII. CLAIMS AGAINST THE CITY*

***State law reference(s)**--Tort Claims Act, V.T.C.A., Civil Practices and Remedies Code § 101.001 et seq.

Sec. 2-391. Notice of claims.

(a) The city shall never be liable for a 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 who may have a cause of action under the law by reason of such death, shall within six (6) months from the date the damage or injury was received, give notice in writing to the Mayor and City Council of the following facts:

- (1) The date and time when the injury occurred and the place where the injured person or property was at the time when the injury was received.
- (2) The nature of the damage or injury sustained.
- (3) The apparent extent of the damage or injury sustained.
- (4) A specific and detailed statement of how and under what circumstances the damage or injury occurred.
- (5) The amount for which each 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 whatsoever shall be instituted or maintained against the city unless the plaintiff therein shall aver and prove that previous to the filing of the original petition the plaintiff applied to the City Council for redress, satisfaction, compensation, or relief, as the case may be, and that the same was by vote of the City Council refused.

(c) All notices required by this section shall be effectuated by serving upon the City Secretary or the City Manager at 512 E. Brazos Ave., P.O. 487, West Columbia, Texas 77486, and all such notices shall be effective only when actually received in the office of either of the persons named above.

(d) 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 herein shall not render the notice fatally defective, but failure to so verify the notice may be considered by the City Council as a factor relating to the truth of the allegations and to the weight to be given to the allegations contained therein.

(e) Neither the Mayor, a City Council member, nor any other officer or employee of the city shall have the authority to waive any of the provisions of this section.

(Code 1977, § 1-7; Ord. No. 376, § 1(6-30--6-34), 4-11-88)

Secs. 2-392--2-400. Reserved.

ARTICLE IX. SUPPORT OF EMERGENCY SERVICES

Sec. 2-401. Voluntary ambulance contributions.

(a) The city shall, as hereinafter provided, add to the monthly bill of each utility patron of the City of West Columbia the sum of one dollar (\$1.00) as a voluntary contribution to the West Columbia West Columbia Volunteer Fire Department and the sum of Three Dollars (\$3.00) as a voluntary contribution to CEMS. Each such bill shall include written notice that both of said sums are voluntary contributions which may be deducted from the bill in whole or in part as to either or both of said entities by the patron.

(b) In the absence of an express direction by the patron to the contrary, any amount up to One Dollar (\$1.00) shall be allocated to CEMS, any amount in excess of \$1.00 and up to \$2.00 shall be allocated to the West Columbia West Columbia Volunteer Fire Department, with the balance, if any, to be allocated to CEMS.

(c) All costs and expenses incurred by the City in the collection, disbursement and other handling of such contributions attributable to the adding of the sums provided for herein to each bill and the accounting therefor, shall be first deducted by the City from the contributions collected, with the net proceeds to be paid by the City on a monthly basis to the West Columbia Volunteer Fire Department and CEMS in accordance with the other terms and provisions of this section. In the absence

of a clear showing to the contrary, the costs and expenses to be deducted by the City for the collection, disbursement and handling of such contributions to be deducted shall be one percent (1%) of the total amount collected.

(Ord. No. 328, § 1, 6-13-83; Ord. No. 425, 12/15/93, deleted previous paragraph (d) altogether and added language including the West Columbia Volunteer Fire Department; Ord. No. 493, 1/15/01.)

Sec. 2-402. West Columbia Volunteer Fire Department and CEMS Independent Agencies

(a) Notwithstanding anything contained in this Article or the Code of Ordinances of the City of West Columbia to the contrary, it is expressly provided that both the West Columbia Volunteer Fire Department and CEMS are and shall remain independent, non-profit associations, neither of which is in any manner a department or branch of the City of West Columbia, nor shall any of its officers or members be considered an officer, agent or employee of the City of West Columbia.

(Ord. No. 425, 12/15/93, section added)

Cross reference(s)--Utility rates, charges, billing procedure, § 19-146 et seq.

Secs. 2-403--2-410. Reserved.

ARTICLE X. RECORDS MANAGEMENT*

***Editor's note**--Ordinance No. 400, adopted Dec. 10, 1990, did not specifically amend the Code; hence, inclusion of §§ 1--14 as Art. X was at the discretion of the editor.

Sec. 2-411. Definition of city records.

All papers, correspondence, memoranda, accounts, reports, maps, plans, photographs, sound and video recordings, files, microform, magnetic or paper tape, punched card, or other documents, regardless of physical form or characteristic, which have been or shall be created, received, filed, or recorded by any city office or department or its lawful successor, or officials thereof in pursuance of law or ordinance or in the conduct, transaction, or performance of any business, duty, or function of public business, whether or not confidential or restricted in use, are hereby declared to be records of the City of West Columbia, and shall be created, maintained, and disposed of in accordance with the provisions of this article or procedures authorized by it and in no other manner. Library and museum materials acquired solely for reference, exhibit, or display and stocks of publications shall not constitute records for purposes of this article.

(Ord. No. 400, § 1, 12-10-90)

Sec. 2-412. City records declared public property.

All city records as defined in section 2-411 are hereby declared to be property of the city. No city official or employee has, by virtue of his or her position, any personal or property right to such records even though he or she may have developed or compiled them. The unauthorized destruction, removal from files, or use of such records is prohibited.

(Ord. No. 400, § 2, 12-10-90)

Sec. 2-413. Policy.

It is hereby declared to be the policy of the City of West Columbia to provide for efficient, economical, and effective controls over the creation, distribution, organization, maintenance, use, and procedures for the management of records from their creation to their ultimate disposition.

(Ord. No. 400, § 3, 12-10-90)

Sec. 2-414. Records management department established.

There is hereby established a records management department. The City Manager is responsible for directing the department and coordinating records management operations among the city offices and departments.

(Ord. No. 400, § 4, 12-10-90)

Sec. 2-415. Records manager--Office established.

The City Manager shall appoint a city records manager, with the rank of department head, who shall administer the records management department and shall be responsible for citywide files management and the direction and control of the city's records disposition program. The records manager shall report to and be responsible to the City Manager in the same manner as the other department heads.

(Ord. No. 400, § 5, 12-10-90)

Sec. 2-416. Same--Duties.

The records manager shall have the following duties, and others as assigned by the City Manager; however, duties assigned shall be limited to records management activities:

- (1) Plan, formulate, and prescribe basic files management and records disposition policies, systems, standards, and procedures.
- (2) Prepare records retention and disposition schedules in cooperation with department heads for all city offices and departments, define and identify vital and permanent records, and establish retention periods for all records. Retention periods shall be no shorter than desired by the originating office, but shall be as long as deemed necessary by either the records manager, the city attorney, or the city finance officer.
- (3) Review schedules annually and update or amend as needed.
- (4) Coordinate the citywide files management and records disposition programs and report annually to the City Manager on program effectiveness in each city department.
- (5) Provide records management advice and assistance to all city offices and departments, by preparation of manuals of procedures and policies and by on-site consultation.
- (6) Develop, disseminate, and coordinate files maintenance and records disposition procedures, including but not limited to those prescribed by this article, to meet the current and long-term information needs of the city.
- (7) Train departmental records officers and other personnel in the fundamentals of records management and their duties in the records management program.
- (8) Carry out at the proper time actions such as destruction, and transfers that are required by records schedules.
- (9) Design and manage the operations of a records center for the low cost storage of inactive records.
- (10) Establish and monitor compliance with standards for filing and

storage equipment and supplies in all city offices and departments, and report to the City Manager failure of any officer or department to comply with standards. Keep careful records of savings in equipment, supplies, and staff costs realized by each department of the city through implementation of the records management program. Report annually such cost savings to the City Manager; the report shall include the amount of storage space and equipment released for other uses.

- (11) Develop a citywide forms design and control system.
- (12) Establish in cooperation with other responsible city officials a disaster plan for each city office and department to insure maximum availability of records for reestablishing operations quickly and with minimum disruption and expense.
- (13) Develop procedures to insure the permanent preservation of the historically valuable records of the city.
- (14) Protect privacy and assure availability of public information from records stored in records center; bring to attention of City Manager any office not in compliance with laws or ordinances regarding public access to information or protection of privacy.
- (15) Prepare and submit annually to the City Manager the budget requirements of the records management department to enable it to fulfill the records management goals of the city.

(Ord. No. 400, § 6, 12-10-90)

Sec. 2-417. Responsibilities of City department heads.

All City office and department heads are responsible for the implementation and operation of effective files operations, records transfers and dispositions, and other activities in accordance with the provisions of this article within their areas of responsibility. They shall designate records officers within their offices and provide the records manager the names of such designees and of all file stations and files custodians under their supervision. Persons designated as records officers shall report directly to the head of their department on matters relating to the records management program and should have full access to all files in their department.

(Ord. No. 400, § 7, 12-10-90)

Sec. 2-418. Responsibilities of records officers.

The records officer in each office and department is responsible for providing coordination between the records manager and personnel in his or her office to ensure that provisions of this article are complied with. This responsibility shall include overseeing the application of records schedules within the office or department. (Ord. No. 400, § 8, 12-10-90)

Sec. 2-419. City offices to use records schedules.

All City offices and departments shall adopt records retention and disposition schedules and destroy, transfer, or otherwise dispose of records only according to such schedules.

(Ord. No. 400, § 9, 12-10-90)

Sec. 2-420. Development of records retention and disposition schedules.

(a) Retention periods to be included in records schedules shall be submitted by the records manager to the City finance office and City attorney, who shall notify the records manager within ten (10) working days of his approval or of any objection to a retention period. At the expiration of the ten-day period, if no objection has been submitted, the records schedule shall be adopted and shall have full force as sufficient authorization for records destruction or other action. If objection is made, the records manager shall determine a retention period satisfactory to the office or department concerned, to the finance officer, and to the City attorney.

(b) When a records retention and disposition schedule is adopted, it shall thenceforth constitute full authority to destroy, transfer, or take other actions, and the City Council hereby directs that such action be taken by the records manager or under his supervision. The records manager shall notify the state librarian of intended destruction, as required by law, but no further notice to the City Council or other City office shall be required.

(c) Revision of retention periods shall be submitted for review to the City attorney and City finance officer in the same manner as the original retention periods.

(Ord. No. 400, § 10, 12-10-90)

Sec. 2-421. One-time destruction of obsolete records.

Prior to adoption of records schedules for an office, one-time destruction of accumulated obsolete records of that office may be made by or under the supervision of the records manager. Prior to such destruction the records manager shall submit lists of records to be destroyed to the City finance officer and the City attorney, who shall give notice within ten (10) working days of any records they believe should not be destroyed, and such records shall be retained for a period suggested by either. The records manager shall also submit notice as required by law to the state librarian. Obsolete records shall include those no longer created by the office or department and no longer needed for administrative; legal, fiscal, or other research purposes.

(Ord. No. 400, § 11, 12-10-90)

Sec. 2-422. Records center.

The records center operation shall utilize one (1) or more buildings to store inactive records; to ensure the security of such records from deterioration, theft, or damage during the period of storage; to permit fast, efficient retrieval of information from stored records; and to provide facilities for a centralized micrographics program.

(Ord. No. 400, § 12, 12-10-90)

Sec. 2-423. Preservation of permanent records.

The records manager shall develop procedures to ensure the permanent preservation of the historically valuable records of the City. The records manager shall provide housing under archival conditions for such records in the records center or in another municipal facility and in such manner that the records, unless their use is restricted by law or regulation, are open to the public for research purposes. If City-owned facilities are not available, the records manager shall arrange for the transfer of the records of the state library for perpetual care and preservation in one of its nearby regional historical resource depositories, or shall make other arrangements for their permanent preservation not contrary to law or regulation. In no circumstances shall the permanent records of the city be transferred to private individuals, to private historical societies or museums, or to private colleges or universities.

(Ord. No. 400, § 13, 12-10-90)

Sec. 2-424. Noncurrent records not to be maintained in office files.

Records no longer required in the conduct of current business by any office of the City shall be promptly transferred to the records center or archives or the state library, or be destroyed, at the time such action is designated on an approved records schedule. Such records shall not be maintained in current office files or equipment.

(Ord. No. 400, § 14, 12-10-90)