

ORDINANCE NO. 536

**AN ORDINANCE AMENDING THE CITY OF BEE CAVE
CODE OF ORDINANCES, CHAPTER 2
ADMINISTRATION AND PERSONNEL SECTION 2.02.008
CITY ENGINEER**

WHEREAS, the City of Bee Cave is a home rule municipality, which has codified its regulations and enforcement; and

WHEREAS, the City of Bee Cave's organizational structure has changed over the years due to growth and changes in the community; and

WHEREAS, the City of Bee Cave City Council finds the position of city engineer serves an important role, but is subject to the department director's control; and

WHEREAS, the City of Bee Cave City has operated with an organizational structure and placement of the city engineer for several years, but has not yet updated its code of ordinances to reflect the operational practice; and

WHEREAS, the City of Bee Cave City Council finds that given the current changes in the staff and organization of other aspects of city operations, now is an appropriate time to update the code of ordinances; and

WHEREAS, the City of Bee Cave City Council finds it is in the best interest of the City and its citizens to repeal the reference to the city engineer being appointed by the City Council from within the appointment and removal section of the code of ordinances and to have the city engineer be hired and removed by the city manager, as any other employee of the city.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF BEE CAVE, TEXAS that Section 2.02.008 City Engineer of the City's Code of Ordinances is repealed in its entirety as listed by strike-throughs below and shall have no further force or effect.

~~§ 2.02.008 City engineer.~~

~~(a) The city engineer will be recommended by the city manager, and shall be appointed and removed by the governing body.~~

~~(b) The city engineer shall serve at the will of the governing body, pursuant to such terms and compensation as may be determined from time to time by the governing body.~~

**II.
CUMULATIVE CLAUSE**

That this Ordinance shall be cumulative of all provisions of the City of Bee Cave, except where the provisions of this Ordinance are in direct conflict with the provisions of such other ordinance, in which event the conflicting provisions of such other ordinance are hereby repealed, while leaving the remainder of such other ordinance intact. To the extent of any conflict, this Ordinance is controlling.

**III.
SEVERABILITY**

That it is hereby declared to be the intention of the City Council of the City of Bee Cave. that the phrases, clauses, sentences, paragraphs, and sections of this Ordinance are severable, and if any phrase, clause, sentence, paragraph, or section of this Ordinance should be declared unconstitutional or invalid by final judgment or decree of any court of competent jurisdiction, such unconstitutionality or invalidity shall not affect any of the remaining phrases, clauses, sentences, paragraphs, or sections of the Ordinances, since the same would have been enacted by the City Council without incorporation in this ordinance of any such unconstitutional or invalid phrases, sentences, paragraphs, or sections.

**IV.
PROPER NOTICE AND MEETING**

It is hereby officially found and determined that the meeting at which this Ordinance was adopted was open to the public and that public notice of the time, place and purpose of said meeting was given as required by the Open Meetings Act, Chapter 551 of the Texas Government

DULY PASSED AND APPROVED, on the _____ day of _____, 2024 at a regular meeting of the City Council of the City of Bee Cave, Texas, which was held in compliance with the Open Meetings Act, Gov't. Code §551.001, et. Seq. at which meeting a quorum was present and voting.

CITY OF BEE CAVE, TEXAS

Kara King, *Mayor*

ATTEST:

Jo Ann Touchstone, *City Secretary*

APPROVED AS TO FORM:

Ryan S. Henry, *City Attorney*