

Ordinance amending Corpus Christi Code Chapter 2, Article III to update City Departments and functions; and amending Corpus Christi Code Chapter 39 to clarify payment of sick and vacation leave upon termination, retirement, or death.

Whereas, under City Charter, Article IV, Section 1, the City Council establishes city departments, offices, or agencies in addition to those created by City Charter;

Whereas, the proposed amendments to Corpus Christi Code Chapter 2, Article III updates City Departments and functions;

Whereas, effective July 19, 1988, Ordinance # 020392 reduced payment of sick leave upon certain terminations for Plan 1 Employees (employees hired after August 1, 1988) from 90 days to a two for one basis for the equivalent up to 45 days;

Whereas, effective July 29, 2002, Ordinance # 024968, in relation to sick leave payment, converted 90 days and 45 days to hours;

Whereas, effective July 22, 2008, Ordinance #027778 made part-time employees eligible for payment of sick leave upon certain terminations;

Whereas, effective February 1, 2010, Ordinance #028468 removed sick leave benefits from part-time employees;

Whereas, multiple ordinance amendments have made Corpus Christi Code Section 39-339 challenging to read;

Whereas, this ordinance clarifies payment of sick leave upon certain terminations for Plan 1 consistent with Ordinance #020392, Ordinance #027778, current and past practices and interpretations;

Whereas, the following language in Sec. 39-339 & 39-355, "(2) disability or service retirement; (3) at age 60 upon completion of a minimum of five years of continuous service" is redundant and falls under eligibility for retirement under requirements of the Texas Municipal Retirement System (TMRS) Act;

Whereas, Texas probate law addresses payment of salary to a deceased employee;

Whereas, City Council finds and declares no part of Chapter 39 of the Corpus Christi Code creates a contractual obligation, and City employees are employed at will.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CORPUS CHRISTI, TEXAS, THAT:

SECTION 1. The foregoing recitals are hereby found to be true and correct and are hereby adopted by the City Council and made a part hereof for all purposes as findings of fact.

SECTION 2. Corpus Christi Code Chapter 2, Article III, Section 50 - Organization and structure is repealed.

SECTION 3. Corpus Christi Code Chapter 2, Article III, Section 51 - Administrative functions is repealed and replaced as follows:

Sec. 2-51. – Departments and Offices.

(a) City Council establishes the following departments and offices:

(1) Airport Department.

A department that provides for the operation of the facilities for commercial and general aviation; and the development and operation of the international airport and its environs.

(2) Asset Management Department.

A department that provides for maintenance of all City buildings, City vehicles equipment, and radios; and operation of the service center.

(3) City Auditor.

Under the direction and supervision of the City Auditor, a department that provides assurance to the City Council that management has established an effective system of internal control.

(4) Mayor's Office and City Council Offices.

An office that provides services to the Mayor, citizens, City staff, and visitors.

(5) City Manager.

An office that provides leadership of city administration; advises the City Council on policy matters; manages city operations; and promotes relationships with the community.

(6) City Secretary.

Under the direction and supervision of the City Secretary, a department that provides staff support to the City Council; preserves and provides public access to the City's official records; acts as Parliamentarian for all meetings of the City Council and their corporations; coordinates municipal elections; facilitates the legislative process; and coordinates Council appointments to boards and commissions.

(7) Communications and Intergovernmental Relations Department.

A department that informs the public and employees about City programs, policies, events, and incidents; and provides advocacy, outreach, and proactive participation in the political process.

(8) Corpus Christi – Nueces County Public Health District.

A public health district that provides for the operation and promotion of local public health programs within the framework of the cooperative agreement between the City and Nueces County.

(9) Development Services Department.

A department that provides for the facilitation of development within the City including administration of the building, development, and zoning codes.

- (10) Engineering Services Department.
A department that provides for the management and implementation of the City's capital improvement program.
- (11) Finance and Business Analysis Department.
A department that provides for accounting, treasury, purchasing, taxation, and collection of various city revenues; and facilitation of economic development.
- (12) Fire Department.
A department that provides for the prevention and extinguishment of fires; coordination with rural fire prevention districts; and the provision of emergency medical services.
- (13) Gas Department.
A department that provides for the development, maintenance, and operation of a gas utility system.
- (14) Human Resources Department.
A department that provides personnel support services to all operating departments; administration of salaries, group insurance, and retirement programs; and administration of employment and training services.
- (15) Information Technology Department.
A department that provides for assisting City Departments in meeting their computer and technology requirements.
- (16) Legal Department.
A department that provides legal advice and counsel to the city council, city manager, and the various entities included with the city administration; approving the form of all ordinances, contracts, and other documents; and providing legal representation for the City in the courts.
- (17) Library Department.
A department that provides for the operation of the main public library and the various branch libraries.
- (18) Municipal Court Administration Department.
A department that provides administrative and safety services in support of the municipal court judicial department and police department.
- (19) Municipal Court Judicial.
Under the direction and supervision of the Presiding Municipal Court Judge, a department that presides over criminal and civil matters within the Municipal Court jurisdiction and other magistrate duties as authorized by law.

- (20) Neighborhood Service Department.
A department that provides for code compliance; animal care services; and provides information, connections to assistance, administration of funding, and monitoring of grant programs.
- (21) Office of Management and Budget.
An office that provides assistance to City departments in the creation and compliance of adopted budgets.
- (22) Parks and Recreation Department.
A department that provides for the development and operation of parks, golf courses, recreation centers, and the city marina.
- (23) Planning Department.
A department that provides for development of the City's Comprehensive Plan.
- (24) Police Department.
A department that provides for the prevention and investigation of crime, the apprehension of suspected criminals, and the enforcement of traffic laws.
- (25) Public Works Department.
A department that provides for the planning, development, and maintenance of all City street and stormwater systems.
- (26) Solid Waste Services Department.
A department that provides for municipal solid waste collection and disposal activities.
- (27) Strategic Planning & Innovation Office.
An office that provides assistance to departments in achieving continuous improvement and efficient operations.
- (28) Water & Wastewater System Department.
A department that provides for the development, maintenance and operation of the City's water supply and distribution system; and the development, maintenance, and operation of the City's wastewater utility system.

(b) Unless otherwise provided in the city charter or this article, all departments, divisions, and offices are under the direction and supervision of the City Manager. The control, supervision, and lines of authority for the departments, divisions, and offices established in this article shall be structured according to the organizational chart approved by the city council with the annual budget of the city as the same may be amended from time to time during the fiscal year. Subject to the control and supervision of the city manager in all matters, the chief of staff, chief financial officer, chief operating officers, assistant city managers, and respective department and division heads shall manage the areas of responsibility assigned to them in accordance with the approved organizational chart.

SECTION 4. Corpus Christi Code, Chapter 2, Section 52 Rule-making is amended as follows:

Sec. 2-52 Rulemaking

The chief of staff, chief financial officer, chief operating officers, assistant city managers, and all department and division heads shall have the authority to promulgate rules and regulations necessary or advisable for the enforcement of the policies determined by the city council and this Code of Ordinances, subject to the approval of the city manager. Every rule or regulation issued shall be described in writing and filed with the city secretary as a public record, and all persons shall be charged with notice of the contents of same.

SECTION 5. Corpus Christi Code, Chapter 2, Section 53 Titles and authority, is amended as follows:

Sec. 2-53 Titles and authority

Any titles such as "superintendent," "director", or "head" as used in this Code of Ordinances in reference to any department, division, office, or activity shall be construed to mean the city manager or the person designated by the city manager to be responsible for that department, division or activity, and all powers and authority granted in this Code of Ordinances to such persons shall be exercised by the city manager or his designate.

SECTION 6. Corpus Christi Code, Chapter 2, Section 54 Departments and divisions, is amended as follows:

Sec. 2-54 Departments, ~~and divisions,~~ and offices.

Use of the terms "department", ~~and~~ "division", and "office" throughout this Code of Ordinances shall not be construed as a distinction of significance, and the titles for "department", ~~and~~ "division", and "office" created in this article may be modified from time to time in accordance with the administrative structure established by the organizational chart as adopted by the city council.

SECTION 7. Corpus Christi Code, Chapter 39, Section 331 Plan I payment of accrued vacation leave upon termination, retirement, or death is amended as follows:

Sec. 39-331. - Plan I payment of accrued vacation leave upon termination, retirement, or death.

(a) No more than ~~two hundred forty (240)~~ hours ~~or if base hours are less than forty (40) hours per week, on a prorated basis,~~ of accumulated vacation credit will be paid to a Plan I employee, except for airport public safety officers who work shifts of ~~twenty-four (24)~~ hours on and ~~forty-eight (48)~~ hours off, ~~or his/her beneficiary~~ upon termination, retirement, or death. No vacation credit shall be paid at termination unless the employee has been employed for period of time in excess of ~~twelve (12)~~ months.

(b) No more than ~~three hundred sixty (360)~~ hours ~~or if base hours are less than forty (40) hours per week, on a prorated basis,~~ of accumulated vacation credit will be paid to an airport public safety officer, who works shifts of ~~twenty-four (24)~~ hours on and ~~forty-eight (48)~~ hours off, ~~or his/her beneficiary~~ upon termination, retirement, or death. No vacation credit shall be paid at termination unless the employee has been employed for a period in excess of ~~twelve (12)~~ months.

SECTION 8. Corpus Christi Code, Chapter 39, Section 339 Plan I payment of sick leave upon termination, is amended as follows:

Sec. 39-339. - Plan I payment of sick leave upon ~~termination~~ retirement or death.

~~(a) — A Plan I employee, with the exception of airport public safety officers who work shifts of twenty-four (24) hours on and forty-eight (48) hours off, who terminates due to any of the following conditions, will be eligible for payment of up to seven hundred twenty (720) hours of accumulated sick leave credit, or if base hours are less than forty (40) hours per week, on a prorated basis that can be cashed in for the equivalent of up to three hundred sixty (360) hours, or if base hours are less than forty (40) hours per week, on a prorated basis, of pay at the rate of the employee's last monthly salary or hourly rate: (1) when eligible for retirement under requirements of the Texas Municipal Retirement System Act (TMRS); (2) due to disability or service retirement; (3) at age sixty (60) upon completion of a minimum of five (5) years of continuous service; or (4) upon death with payment made to the employee's designated beneficiary.~~

(a) — A Plan I employee may cash in up to 720 hours accrued sick leave at the rate of 50 percent of the employee's last monthly salary or hourly rate upon termination due to retirement under requirements of the Texas Municipal Retirement System (TMRS) Act or due to death. Payment of sick leave due to death will be paid in accordance with the Texas Estates Code.

~~(b) — Plan I airport public safety officers, who work shifts of twenty-four (24) hours on and forty-eight (48) hours off, who terminate due to any of the following conditions, will be eligible for payment of up to one thousand eighty (1,080) hours of accumulated sick leave credit that can be cashed in for the equivalent of up to five hundred forty (540) hours of pay at the rate of the employee's last monthly salary or hourly rate: (1) when eligible for retirement under requirements of the Texas Municipal Retirement System Act (TMRS); (2) due to disability or service retirement; (3) at age sixty (60) upon completion of a minimum of five (5) years of continuous service; or (4) upon death with payment made to the employee's designated beneficiary.~~

(b) — A Plan I airport public safety officer who works shifts of 24 hours on and 48 hours off may cash in up to 1,080 hours accrued sick leave at the rate of 50 percent of the employee's last monthly salary or hourly rate upon termination due to retirement under requirements of the Texas Municipal Retirement System (TMRS) Act or due to death. Payment of sick leave due to death will be paid in accordance with the Texas Estates Code.

SECTION 9. Corpus Christi Code, Chapter 39, Section 348 Plan II payment of vacation leave upon termination is amended as follows:

Sec. 39-348. - Plan II payment of vacation leave upon termination, retirement, or death.

Plan II employees ~~who have been employed by the city for a minimum of twelve (12) months,~~ will receive up to ~~two hundred forty (240)~~ working hours of accrued vacation paid to the employee upon termination, except that all accrued vacation shall be paid to Plan II employees upon termination due to retirement under requirements of the Texas Municipal Retirement System (TMRS) Act or due to death. Payment of vacation leave due to death will be paid in accordance with the Texas Estates Code. ~~or their beneficiaries when any of the following provisions apply: (1) employee is eligible for retirement under requirements of the Texas Municipal Retirement System Act (TMRS); (2) employee takes a service or disability retirement in accordance with TMRS and/or Social Security regulations; (3) employee is age sixty (60) upon completion of a minimum of five (5) years of continuous service; or (4) upon employee's death with payment made to the employee's designated beneficiary.~~

SECTION 10. Corpus Christi Code, Chapter 39, Section 355 Plan II payment of sick leave upon termination is amended as follows:

Sec. 39-355. - Plan II payment of sick leave upon ~~termination~~ retirement or death.

~~Plan II employees who terminate due to any of the following conditions will be paid up to seven hundred twenty (720) hours of accrued sick leave, if any, when any of the following provisions apply: (1) employee is eligible for retirement under requirements of the Texas Municipal Retirement System Act (TMRS); (2) employee takes a service or disability retirement in accordance with TMRS and/or Social Security regulations; (3) employee is age sixty (60), or older, upon completion of a minimum of five (5) years of continuous service; or (4) upon employee's death, with payment made to the employee's designated beneficiary. Payment of such earned and accrued sick leave, if any, shall be at the rate of the employee's last monthly salary or hourly rate for an equivalent period.~~

A Plan II employee may cash in up to 720 hours accrued sick leave at the rate of the employee's last monthly salary or hourly rate upon termination due to retirement under requirements of the Texas Municipal Retirement System (TMRS) Act or due to death. Payment of sick leave due to death will be paid in accordance with the Texas Estates Code.

SECTION 11. If for any reason any section, paragraph, subdivision, clause, phrase, word or provision of this ordinance shall be held invalid or unconstitutional by final judgment of a court of competent jurisdiction, it shall not affect any other section, paragraph, subdivision, clause, phrase, word or provision of this ordinance. For it is the definite intent of this City Council that every section, paragraph, subdivision, clause, phrase, word or provision hereof be given full force and effect for its purpose.

SECTION 12. This ordinance takes effect upon passage.

That the foregoing ordinance was read for the first time and passed to its second reading on this the _____ day of _____, 2021, by the following vote:

Paulette M. Guajardo _____

John Martinez _____

Roland Barrera _____

Ben Molina _____

Gil Hernandez _____

Mike Pusley _____

Michael Hunter _____

Greg Smith _____

Billy Lerma _____

That the foregoing ordinance was read for the second time and passed finally on this the _____ day of _____ 2021, by the following vote:

Paulette M. Guajardo _____

John Martinez _____

Roland Barrera _____

Ben Molina _____

Gil Hernandez _____

Mike Pusley _____

Michael Hunter _____

Greg Smith _____

Billy Lerma _____

PASSED AND APPROVED on this the _____ day of _____, 2021.

ATTEST:

Rebecca Huerta
City Secretary

Paulette M. Guajardo
Mayor