

**ARTICLE III
THE CITY COUNCIL**

§ 3.01. Number, Selection, and Term.

The city council shall be composed of the mayor and six council members, who shall be elected from the city at large. Each council member shall occupy a position on the council, numbered one through six consecutively. The mayor and council members shall be elected in the manner provided in Article V of this charter to serve for three-year terms.

Unless the context clearly requires otherwise, the terms “city council” or “council”, when used in this charter, shall mean the mayor and the council members.

§ 3.02. Term Limits.

Council members and the mayor shall be limited to three consecutive full terms in office. A person who has served three consecutive full terms as a council member, regardless of place number, or as mayor may not again hold the same office until at least one term out of office has passed. A person who has served three consecutive terms as a council member shall be eligible to be elected to the office of mayor for three consecutive terms, and a person who has served three consecutive terms as mayor shall be eligible to be elected as a council member for three consecutive terms.

§ 3.03. Qualifications.

In addition to any qualifications for holding office prescribed by law, the members of the council shall reside within the city and shall meet the conditions of section 5.02 of this charter while in office.

§ 3.04. Compensation.

Members of the city council shall serve without compensation, but shall be entitled to payment of or reimbursement for all necessary expenses incurred in the performance of official duties, upon approval by the city council.

§ 3.05. General Powers and Duties.

All powers of the city shall be vested in the city council, except as otherwise provided by law or this charter. The city council shall provide for the performance of all duties and obligations imposed on the city by law through the establishment of general policies and ordinances, which will be implemented by the City Manager. Any member of city council may place an item on the agenda for a subsequent regular council meeting with the consent of a second member of the city council.

§ 3.06. Mayor and Mayor Pro-tem.

The mayor shall have the following rights and responsibilities:

1. Preside at all meetings of the city council.
2. Sign any ordinance, order, resolution, plat, bond, conveyance, contract, or other document that is authorized or enacted by the city council.

3. Serve as head of the city government for all ceremonial purposes.
4. Serve as the official representative of the city.
5. Perform other duties, consistent with this charter, as may be imposed by the city council.

The mayor shall have the power to vote on all matters which come before the City Council in the same manner as City Council members. The mayor may not bind or obligate the city in any way without prior authorization from the city council.

The mayor pro-tem shall be a council member elected by the council at the first meeting following the canvassing of each regular election. The mayor pro-tem shall act as mayor during the disability or absence of the mayor. When acting in the capacity of mayor, the mayor pro-tem shall have the rights and responsibilities and be subject to the limitations conferred on the mayor by this Section.

§ 3.07. Vacancies.

In the event of a single vacancy in the City Council, if there are 365 days or more remaining on the term of the vacated Mayoral or City Council position, the City Council shall call a special election to fill such vacancy. If there are less than 365 days remaining in the term of the vacated Mayoral or City Council position, the City Council may, by majority vote of the remaining Councilmembers, at its discretion, appoint a new Mayor or Councilmember to fill such vacancy or call a special election to fill such vacancy.

§ 3.08. Removal from Office.

- (a) Reasons: Any member of the council may be removed from office for any of the following reasons:
 1. Failure to maintain the qualifications for office required by sections 3.03 and 5.02 of this charter.
 2. Violation of any express prohibition of this charter or the Code of Ethics adopted under Section 11.05.
 3. Conviction of a crime involving moral turpitude.
 4. Failure to attend three consecutive regular city council meetings without being excused by the council.
 5. Violation of Section 3.09(c) of this Charter.
 6. Violation of Section 11.03 of this Charter.
- (b) Initiation: Removal proceedings shall be initiated when a sworn written complaint charging a member of the council with an act or omission that is a reason for removal is presented to the mayor or, if the complaint is against the mayor, to the mayor pro-tem. The person receiving the complaint shall file it with the city secretary, who shall provide a copy to the member complained against and all other council members. The mayor or the mayor pro-tem shall set a time and date for a hearing on the complaint.

(c) Hearing and decision:

1. All hearings held under this subsection shall be conducted in open session, except that the City Council may conduct a closed session to get advice from its attorney pursuant to the Texas Open Meetings Act;
2. The officer holder subject to any investigation and/or hearing under this section shall be entitled to written notice of the allegations of Removal;
3. A special meeting shall be called to hold the hearing;
4. A member of City Council who initiated or is the subject of the investigation or hearing shall not sit at the dais and shall not participate in deliberation or vote;
5. City Council shall adopt by ordinance rules of order to be followed;
6. The City Council shall state the nature of the hearing and the allegations to be considered, shall be provided the results of any investigation and a presentation of the evidence against the office holder including, but not limited to testimony from individuals;
7. The individual who is subject to the hearing is entitled to representation at the hearing, shall be provided an opportunity to respond to the allegations, cross-examine all witnesses and present any relevant evidence including, but not limited to, testimony from individuals;
8. City Council may ask questions of any individual;
9. No public comment shall be allowed unless agreed to by a majority vote of the voting members of City Council present. Rules for public comment shall be set by City Council;
10. If City Council determines by an affirmative vote of the majority of the voting members of the City Council that removal is warranted, it shall declare a vacancy to be filled no sooner than the next regular meeting and in accordance with section 3.07;
11. In addition to removal, City Council may, by a majority vote of the voting members of City Council, take any action it determines to be appropriate including, but not limited to, directing further investigation, requesting further information, or taking a vote of censure.

§ 3.09. Prohibitions.

- (a) Holding other office: No member of the council shall hold other city office or employment or provide other compensated and/or contracted services to the city during their term of office and no former member of the council shall hold any compensated appointive city office or employment or provide other compensated and/or contracted services to the city until at least two years after the expiration of their term of office.
- (b) Appointments and removals: Neither the city council nor any of its individual members

shall require the appointment or removal of any city officer or employee that the city manager or their subordinate is authorized to appoint. This provision shall not limit the right of the city council to express and to freely and fully discuss with the city manager its views pertaining to the appointment and removal of city officers and employees.

- (c) Interference with administration: Unless making inquiries or conducting an investigation under section 3.19, the city council and its individual members shall work through the city manager in dealing with city officers and employees who are under the direction and supervision of the city manager. No member of the council shall exert any direct control over city officers and employees or shall give orders to or direct the actions of city officers and employees, publicly or privately, except as may be permitted by this charter.

(November 2, 2021, measure E)

§ 3.10. City Council Meetings.

The city council shall meet at least once each month and may hold as many additional meetings as it deems necessary to transact the business of the city. Days and times of regular meetings shall be set by resolution. All meetings shall be posted and conducted in accordance with the requirements of the Texas Open Meetings Act, Chapter 551, Government Code. The city council shall meet with each board or commission on an as needed basis. The Mayor shall, with the assistance and input of the City Manager, set and approve the agendas for City Council meetings.

(November 2, 2021, measure H)

§ 3.11. Quorum.

Four members of city council, including the mayor shall constitute a quorum for the purpose of transacting business. Except as otherwise provided by this charter or state law, the affirmative vote of a majority of those members present and voting shall constitute valid action by the city council.

§ 3.12. Rules of Procedure.

The city council shall determine its own rules and order of business by resolution. Rules of procedure shall ensure that citizens of the city have a reasonable opportunity at any meeting to address the council regarding matters under consideration. The council shall provide for minutes to be kept of all meetings and, except for records of discussion held in executive session, the minutes shall be public records.

§ 3.13. Voting.

Voting on all motions regarding official actions of the council shall be by roll call, and each member's vote shall be recorded in the minutes. Except as prohibited by conflict of interest laws or this charter, all members of the city council shall vote "yes" or "no" on every action, resolution, or ordinance requiring a vote. The nature of a conflict of interest requiring an abstention shall be concisely stated in the minutes.

§ 3.14. Action Requiring an Ordinance.

In addition to other acts required by law or by specific provision of this charter to be done by ordinance, the city council shall adopt ordinances in order to:

1. Authorize the borrowing of money.
2. Convey or lease or authorize the conveyance or lease of any city land.

Acts other than those specifically enumerated above may be done either by ordinance or resolution.

§ 3.15. Ordinances, In General.

- (a) Form: The council shall legislate only by ordinance that contains an enacting clause stating, "Be it ordained by the City Council of the City of Pflugerville, Texas." Each proposed ordinance shall be introduced in the written or printed form required for adoption. No ordinance shall contain more than one subject, which shall be clearly expressed in its title; however, general appropriations ordinances may contain various subjects and accounts for which monies are to be appropriated.

Once adopted, no ordinance may be amended or repealed except by adoption of another ordinance amending or repealing the original ordinance. Except when an ordinance is repealed in its entirety, the amending or repealing ordinance shall set out in full the ordinance, sections, or subsections to be amended or repealed and shall clearly indicate the proposed amendments, additions, or deletions.

- (b) Procedure: Any member of the council may offer an ordinance in writing after it has been approved as to form by the city attorney and placed on the agenda of a regular council meeting. At least one week before first reading, copies of the proposed ordinance in the form required for adoption shall be furnished to members of the council and the caption of the proposed ordinance shall be posted at the city hall and on the City's website. On request of any citizen, the city secretary shall furnish a copy of any proposed ordinance, the caption of which is posted for public review. Amendments to any proposed ordinance shall be subject to the same notice, posting, and copy requirements so long as the proposed ordinance is before the council.

The city attorney shall review all proposed ordinances before first reading and provide any suggestions or objections to the council in writing.

Except as specified below, a proposed ordinance shall be read at two council meetings with at least seventy-two hours elapsing between readings. A proposed ordinance may be amended on first reading; however, if an amendment is made at second reading, final adoption shall be postponed until a subsequent meeting. An emergency ordinance shall be adopted in accordance with section 3.16 of this charter; a budget ordinance shall be adopted in accordance with section 9.03 of this charter; an appropriations ordinance shall be adopted in accordance with section 9.04 of this charter; an ordinance pertaining to borrowing shall be adopted in accordance with section 9.05 of this charter; and a tax ordinance shall be adopted in accordance with section 9.08 of this charter.

- (c) Reading: Reading aloud the caption of an ordinance shall satisfy the requirement for reading, provided that printed copies of the ordinance in the form required for adoption are in front of all council members present and a reasonable number of copies are available to citizens present at the meeting. If three council members request, a proposed ordinance shall be read aloud in its entirety.
- (d) Effective date: Every ordinance shall be effective upon adoption, or at any later time specified in the ordinance; however, no ordinance imposing a penalty, fine, or forfeiture shall become effective until the caption of the ordinance, which shall summarize the purpose of the ordinance and the penalty for violating the ordinance has been published one time on the city's official website or other electronic media that is readily accessible to the public. An ordinance passed on first reading by at least three affirmative votes may become effective after first reading provided the motion so specifies, but the ordinance shall be posted and adopted at a subsequent meeting as required by section 3.15(b).

(November 2, 2021, measure B)

§ 3.16. Emergency Ordinances.

- (a) Purpose and limitations: To meet a public emergency affecting life, health, property, or the public peace, the council may adopt emergency ordinances; however, ordinances that levy taxes; grant, renew, or extend a franchise; regulate the rates charged by a public utility for its services; or, except as permitted by section 9.05, authorize the borrowing of money shall not be adopted as emergency ordinances.
- (b) Form and procedure: An emergency ordinance shall be introduced in the form required for ordinances and shall be clearly designated in its caption as an emergency ordinance. Immediately after the enacting clause, it shall contain a declaration stating that an emergency exists and describing it in clear and specific terms. The affirmative vote of a majority of council members shall be required to approve an emergency clause. An emergency ordinance may be adopted, amended, and rejected at the same meeting at which it is introduced, and the affirmative vote of a majority of council members is required for adoption. After adoption, it shall be numbered as any other ordinance with the designation of "E" following the number and shall be published and become effective in the manner required for any other ordinance.
- (c) Expiration: Any emergency ordinance, except one authorizing borrowing as provided by section 9.05, shall be automatically repealed sixty-one days after becoming effective, but this provision shall not prevent re-adoption of the ordinance using the procedure required for any other ordinance.

§ 3.17. Code of Technical Regulations.

The city council may adopt any standard code of technical regulations by adopting an ordinance that incorporates the code by reference. The procedure for adopting such an ordinance shall be as prescribed in section 3.15 of this charter, except that the requirement for distribution and posting of copies of the ordinance shall be construed to include copies of the technical regulations proposed for adoption by reference, as well as the adopting ordinance.

Copies of an adopted code of technical regulations shall be available from the city secretary for distribution or for purchase at a reasonable price.

§ 3.18. Bonded Employees.

The city council shall require all municipal officers and employees who receive and disperse city funds, including the city manager, to be bonded in an amount determined by the city council. The city shall bear the cost of the bonds.

(November 2, 2021, measure F)

§ 3.19. Inquiries and Investigations.

The city council may, upon majority vote, make investigations into the affairs of the city and the conduct of any city department, division, or office and for this purpose may subpoena witnesses, administer oaths, take testimony, and require the production of evidence. By ordinance, the council may provide that any person who fails or refuses to obey a lawful order issued in the exercise of these powers shall, upon conviction, be guilty of a misdemeanor and subject to a fine set by that ordinance.