

AN ORDINANCE OF THE CITY OF PFLUGERVILLE, TEXAS, AMENDING THE CITY OF PFLUGERVILLE CODE OF ORDINANCES TITLE III ADMINISTRATION, CHAPTER 31 DEPARTMENTS, BOARDS AND COMMISSIONS, SECTIONS 31.03 THROUGH 31.07 MAKING AMENDMENTS TO THE LIBRARY BOARD; PROVIDING THAT THIS ORDINANCE SHALL BE CUMULATIVE AND REPEALING ALL ORDINANCES IN CONFLICT; PROVIDING FOR SEVERABILITY; AND DECLARING AN EFFECTIVE DATE.

WHEREAS, on December 9, 2003, the City Council of the City of Pflugerville amended the City of Pflugerville Code of Ordinances Title III General Regulations, Chapter 31 Departments, Boards and Commissions to make amendments to the Library Board; and

WHEREAS, the City Council of the City of Pflugerville now finds it appropriate to amend the City of Pflugerville Code of Ordinances Title III Administration, Chapter 31 Departments, Boards and Commissions, Sections 31.03 through 31.07.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF PFLUGERVILLE, TEXAS:

Section 1. Findings. 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 and findings of fact.

Section 2. Amendment to Municipal Code of Ordinances. The Code of Ordinances of the City of Pflugerville, Texas, is hereby amended by amending Chapter 95, Parks and Recreation, Sections 95.25 through Section 95.27 as follows with underlines being additions to the code and cross outs being deletions:

§ 31.03 CREATION; MEMBERSHIP REQUIREMENTS.

(A) Creation. There is hereby created the Library Board of the city.

(B) Membership.

- (1) The Board shall be composed of seven regular members and one alternate member who may serve in the absence of a regular member. Membership shall be limited to registered voters of the city who have resided within the city's incorporated city limits (including any annexed territory) for at 12 months preceding their appointment. Liaisons to the Board shall include the President of the Friends of the Pflugerville Community Library, the Director of the Library, and ~~a student from a high school in the Pflugerville Independent School District~~ up to five current high school students residing within the city limits of Pflugerville. There may only be two student liaisons from the same school. Liaisons to the Board shall advise the Board, but shall not be entitled to vote on any matter coming before the Board.

- (2) All Board members shall be appointed by the City Council and shall serve without compensation. Liaisons shall be appointed by the Board and not be appointed by the City Council, but shall also serve without compensation.
- (C) Terms of Office. The term of office of Board members is two years and shall commence on the first day of January following the date of their appointment. ~~The terms of the Board members appointed June 1, 2003 shall expire on December 31, 2005; the terms of Board members appointed June 1, 2002 shall expire on December 31, 2004. Board members shall thereafter be appointed to serve two-year terms.~~ The term of the alternate is for one year and shall commence on the first day of January each year, commencing on January 1, of each year; ~~the term of the alternate Board member appointed June 1, 2003 shall expire on December 31, 2004.~~

§ 31.04 ORGANIZATION.

- (A) Officers. The Board shall elect from its members, at the first meeting of the Board held on or after January 1 of each year, a Chairman, and vice-chair, ~~and secretary.~~ Such officers shall hold office for terms of one year, or until their successors take office. The Chairman shall preside over all meetings of the Board. The Vice-Chair shall preside in the absence of the Chairman. ~~The secretary shall keep a record of proceedings of all meetings and shall be the custodian of all Board records.~~
- (B) ~~Rules of procedure.~~
- (4) The Board shall adopt, subject to the approval of the City Council, such rules and regulations governing its proceedings as it may deem proper. These rules and regulations shall not be inconsistent or in conflict with the charter, ordinances, resolutions, and regulations of the city.
- (2) ~~A motion by a member shall require a second. After a motion has been made and duly seconded, discussion of the motion will ensue for a reasonable time. Discussion by members, or by opponents or proponents of a question before the Board, shall terminate whenever a member shall call for a vote upon the question, or whenever the chairman shall so rule, provided that, with respect to public hearings required by statute or ordinance, full opportunity to be heard has been given to interested persons.~~
- (3) ~~Whenever any question of procedure or qualification is raised at a Board meeting, the chairman shall rule thereon. A member may move to overrule the chairman's decision, which motion must be approved by a majority vote of the members present in order to carry.~~
- (C) Voting. Voting shall be by roll call vote. The chairman shall be entitled to vote on any matter before the Board.
- (D) Department Report. ~~The Board shall take no final action on any matter before it without first obtaining reports from the city departments concerned.~~

- ~~(E) Press Releases. Releases and statements to the public and press in the name of the Board shall be made only by the chairman.~~
- ~~(F) Questions of Procedure. Any question of order or procedure not covered by this section shall be decided according to the latest edition of Robert's Rules of Order, insofar as it may be applicable.~~
- ~~(G) Minutes. Minutes and records shall be kept of all proceedings by the secretary, who shall forward all records of meetings to the City Secretary for distribution to the City Council.~~

§ 31.05 DISMISSAL; ABSENCES

(A) Commission members shall actively participate in the Commission's activities, and any member who is absent for three consecutive regular meetings of the Commission without a valid excuse, as determined by the Commission, or moves one's residence outside the city limits, shall automatically be dismissed from membership.

(B) No member of the Commission shall remain in their position after being elected or appointed to city, county, or state board or office without approval from City Council.

~~(A) Dismissal. Members of the Library Board shall be subject to dismissal by the Council for cause in accordance with the following provisions:~~

~~(1) Before the Council may take action to dismiss any member of the Board, such member shall first receive notice of the proposed dismissal and notice of the Council meeting at which the dismissal will be considered.~~

~~(2) Any member of the Board proposed to be dismissed may request a hearing before the City Council, prior to such dismissal becoming effective, by filing with the City Secretary a written request for hearing within five (5) days from the date of notification of the City Council's proposed action.~~

~~(3) Upon filing of request for hearing, the member shall be provided with a bill of particulars which specifies the basis for the proposed dismissal and the date and time of hearing thereon, which shall be at least five days after receipt of the bill of particulars.~~

~~(4) Dismissal from the Board shall become automatically effective and final if no request for hearing is received by the City Secretary by the end of such five day period.~~

~~(B) Absences. Absences from three consecutive regular meetings of the Board, or moving one's residence outside the city limits, shall automatically create a vacancy on the Board with respect to the position held by such Board member.~~

§ 31.06 BOARD MEETINGS

~~(A) Regular Meetings. The Board shall hold at least one regular meeting each month and shall~~

fix regular meeting dates at a regular meeting place. Special meetings may be called as necessary for the receipt of public input.

- (B) ~~*Quorum.*~~ A majority of the Board members serving on the Board shall constitute a quorum.
- (C) ~~*Special Meetings.*~~ ~~Special meetings may be called as necessary for the receipt of public input. Special meetings may be held upon call of the chairman, Mayor, City Manager, City Attorney or upon request of three or more members of the Board.~~
- (DC) ~~*Compliance with Open Meetings Act.*~~ All meetings shall be open to the public and held in accordance with the Texas Open Meetings Act, ~~being Tex. Gov't Code, §§ 551.001 et seq., as it now exists, or as the same may hereafter be amended. Every regular or special meeting of the Board shall be open to the public, except as may be authorized by the Texas Open Meetings Act.~~

§ 31.07 RESPONSIBILITIES DUTIES OF THE BOARD.

- (A) ~~*Advisory Board.*~~
 - (1) ~~The Board shall serve in the capacity of a citizens' advisory committee to the City Council regarding matters of library procedure and policy by making recommendations to the City Council~~
 - (2) ~~The Board shall recommend and offer counsel to the City Council about decisions regarding the library.~~
 - (3) ~~The Board shall promote the library's programs and services in the greater Pflugerville community.~~
- (B) ~~*Funding.*~~ With the approval of the City Council, the Board shall seek grants and, when necessary, conduct fund-raising activities. The Board may accept donations, legacies or bequests for the improvement or maintenance of the library. All monies derived from such donations, legacies or bequests shall be delivered to the city and deposited to the credit of the Department, to be used in the same manner as funds normally appropriated.

Section 3. Repealer. This Ordinance shall be cumulative of all other ordinances of the City of Pflugerville, and this Ordinance shall not operate to repeal or affect any other ordinances of the City of Pflugerville except insofar as the provisions thereof might be inconsistent or in conflict with the provisions of this ordinance, in which event such conflicting provisions, if any, are hereby repealed.

Section 4. Severability. If any provision of this Ordinance is illegal, invalid, or unenforceable under present or future laws, the remainder of this Ordinance will not be affected and, in lieu of

each illegal, invalid, or unenforceable provision, a provision as similar in terms to the illegal, invalid, or unenforceable provision as is possible and is legal, valid, and enforceable will be added to this Ordinance.

Section 5. Effective Date. That this Ordinance will become effective on its adoption and passage by the City Council in accordance with Section 3.15(d) of the City Charter.

PASSED AND APPROVED this _____ day of _____, 2022.

CITY OF PFLUGERVILLE, TEXAS

By: Victor Gonzales Mayor

ATTEST:

Trista Evans, City Secretary

APPROVED AS TO FORM:

CHARLES E. ZECH, City Attorney
DENTON NAVARRO ROCHA BERNAL & ZECH, PC