

**ARTICLE XI**  
**GENERAL PROVISIONS**

**§ 11.01. Public Records.**

All records of every office, department, or agency of the city shall be open to inspection by the public, except as may be withheld from public disclosure under the Texas Open Records Act, Chapter 552, Government Code. During regular office hours, any person shall have the right to examine and make copies of any public records of the city in accordance with reasonable rules and regulations prescribed by the city council.

**§ 11.02. Official Notice.**

All ordinances, notices, and other matters required to be published by this charter, city ordinances, or the State constitution or laws shall be published on the city's official website or other electronic media that is readily accessible to the public.

**§ 11.03. Nepotism.**

No officer of the city nor any member of any city board or commission shall participate in the deliberation of or voting upon the appointment or confirmation of any person related to them within the second degree by affinity or within the third degree by consanguinity to any office, position, clerkship, employment, or duty of the city.  
(November 2, 2021, measure L)

**§ 11.04. Nondiscrimination.**

The city shall not discriminate in the provision of and access to city facilities, programs, and services because of a person's gender identity, sexual orientation, race, color, religion, sex, national origin, age or disability.  
(November 2, 2021, measure D)

**§ 11.05. Code of Ethics.**

- (a) Purpose and policy: The city council by ordinance shall adopt a code of ethics to establish guidelines for high ethical standards in official conduct by city officials and employees. The code of ethics shall establish the policy that city officials and employees shall conduct themselves in a manner consistent with sound business and ethical practices, ensuring that the public interest is always considered in conducting city business. The code of ethics shall provide guidance to city officials and employees in order to instill and maintain a high level of public confidence in the professionalism, integrity, and commitment to the public interest of those in public service. At a minimum, the code of ethics shall include (1) standards of conduct related to public administration and offenses against public administration, as set out in Chapter 36, Penal Code; (2) a travel and expense policy regulating the expenditure of public funds for travel, conferences, and entertainment; and (3) restrictions on city officials' or employees' serving as surety for the performance of any person doing business with the city or as surety for any city officer or employee required to make a surety bond.
- (b) Penalties: The council shall adopt ordinances providing that a person removed from office or dismissed from employment because of violations of the code of ethics shall be ineligible to hold city office or employment for five years after removal or dismissal, in

addition to any other penalty that may be provided by law.

### **§ 11.06. Conflict of Interest.**

All elected or appointed members of the city council or of any city board or commission shall be subject to the provisions of Chapter 171, Local Government Code, regarding conflict of interest and, by affidavit filed with the city secretary, shall disclose the nature and extent of any substantial interest in any business entity or in any real property, as defined and required by that chapter, which would be affected by any official action taken by the body of which such person is a member and shall abstain from any discussion or vote on any such matter.

### **§ 11.07. Assignment, Execution, and Garnishment.**

Neither the real nor the personal property of the city shall be liable to be sold or appropriated under any writ of execution or cost bill. No city funds, in the hands of any person, firm or corporation, shall be liable to garnishment, attachment, or sequestration; nor shall the city be liable to garnishment on account of any debt it may owe or funds or property it may have on hand or owe to any person. Neither the city nor any of its officers or agents shall be required to answer any writ of garnishment. The city shall, however, recognize any assignment of wages or funds by its employees, agents, or contractors.

### **§ 11.08. Power to Settle Claims.**

The city council shall have the authority to compromise and settle any and all claims and suits in favor of or against the city, except suits by the city to recover delinquent taxes.

### **§ 11.09. Charter Construction.**

- (a) General rule: This charter shall be construed as a general grant of power and as a limitation of power on the government of the city in the same manner as the Constitution of Texas is construed as a limitation on the powers of the Legislature. Except as expressly prohibited by this charter, each and every power under the Constitution of Texas which would be competent for the people of Pflugerville to expressly grant to the city shall be construed to be granted to the city by this charter.
- (b) Internal references: In this charter, a reference to section without further identification is a reference to a section of this charter, and a reference to a subsection, subdivision, or paragraph without further identification is a reference to a unit of the next larger unit of the section in which the reference appears. A reference to a statute is a reference to all re-enactments, revisions, or amendments of the statute.

### **§ 11.10. Charter Amendment.**

This charter may be amended in accordance with the laws of the State of Texas.

### **§ 11.11. Charter Review.**

- (a) Charter review commission: Two years after the adoption of this charter and every five years thereafter, the council shall appoint a Charter Review Commission composed of

not fewer than thirteen nor more than twenty members who meet the requirements of section 8.02. Appointment shall be made at the first regular meeting following the anniversary date of the charter's adoption. The Charter Review Commission shall serve for six months, or a longer term if extended by the city council, and shall meet at least once each month during its term. The mayor shall appoint three members and each council member shall appoint two members to serve on the Charter Review Commission. Remaining members shall be appointed by majority vote of the city council.

- (b) Rules of procedure: The commission must establish its own rules of procedure, which must require that a quorum consists of a majority of its members and that an affirmative vote of a majority of all members present is necessary to act.
- (c) Powers and duties: The Charter Review Commission shall:
1. Inquire into the operations of city government and review the city charter to determine whether it requires revision. Public hearings may be held and the commission shall have the power to compel the attendance of city officers or employees and to require the submission of city records necessary to its inquiry and review. The Commission shall hold a minimum of six (6) and a maximum of eight (8) meetings, two (2) of which shall be jointly held with the city council to discuss proposed amendments.
  2. Propose any recommendations it deems desirable to ensure compliance with charter provisions by city departments.
  3. Propose any charter amendments it deems desirable to improve the effective application of the charter to current conditions.
  4. Make a written report of its findings and recommendations to the city council.
- (d) Council action: The council shall receive and have published in the city's official newspaper the Charter Review Commission's final report. It shall consider any recommendations and, if any amendments are presented, shall order the amendment or amendments submitted to the voters of the city.

### **§ 11.12. Pending Matters and Preservation of Rights.**

All codes, ordinances, resolutions, rules, and regulations in force on the effective date of this charter, and not in conflict with this charter, shall remain in force until altered, amended or repealed by the council. All taxes, assessments, liens, encumbrances, and demands, of or against the city, that are fixed or established before the effective date of this charter, or for which the proceedings to fix or establish have begun at that date, shall be valid when properly fixed or established either under the law in force at the time of the beginning of such proceedings or under the law after the adoption of this charter.

All rights, claims, actions, orders, ordinances, resolutions, contracts, franchises, and legal or administrative proceedings existing before the adoption of this charter shall continue except as modified by this charter and shall be maintained, carried on, or dealt with by the city department, office or agency appropriate under this charter. All renewals or new rights, claims,

actions, orders, contracts, franchises, and legal or administrative proceedings arising after the adoption of this charter shall be conducted pursuant to this charter.

**§ 11.13. Transfer of Powers, Duties, Property, and Records.**

- (a) Departments and agencies: If a city department, office, or agency is abolished by this charter, the powers and duties of that department or agency shall be transferred to the city department, office, or agency designated in this charter or, if this charter makes no provision, as designated by the city council.
- (b) Property and records: Property, records, and equipment of all city departments, offices or agencies existing before this charter is adopted shall be transferred to the departments, offices, or agencies assuming the respective powers and duties. If the powers or duties are discontinued or are divided among more than one department, office, or agency or if a conflict arises concerning the transfer, the property, records, and equipment shall be transferred to departments, offices, or agencies designated by the city council.

**§ 11.14. Conforming Ordinances.**

The city council shall adopt, amend, or repeal ordinances as necessary to conform to the requirements of this charter within six months after this charter is adopted and effective.

**§ 11.15. Severability.**

If any section or part of a section of this charter is held to be invalid or unconstitutional by a court of competent jurisdiction, that holding shall not invalidate or impair the validity, force, or effect of any other section or part of a section of this charter.