

ORDINANCE NO. _____

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, TO ADD SECTION 31.60 ESTABLISHING AN EQUITY COMMISSION; PROVIDING THAT THIS ORDINANCE SHALL BE CUMULATIVE AND REPEALING ALL ORDINANCES IN CONFLICT; PROVIDING FOR SEVERABILITY; AND DECLARING AN EFFECTIVE DATE.

WHEREAS, the City of Pflugerville acknowledges that the history of discrimination in the United States of America continues to affect the privilege and/or lack of opportunity for people in the City; and

WHEREAS, the City of Pflugerville acknowledges that equity occurs when differences such as race, ethnicity, religion, gender, economic status, sexual orientation/gender identification, veteran status, marital status, language, age, disability, etc. do not determine a person's economic, social, or political access; and

WHEREAS, the City of Pflugerville now holds a majority-minority status, i.e., no racial or ethnic groups comprises a majority of the City's population; and

WHEREAS, the City of Pflugerville is committed to recognizing and undoing discrimination of any type; and

WHEREAS, low-income communities in the City of Pflugerville are disproportionately communities of color; and

WHEREAS, providing opportunities for the City and residents to engage, participate and support their community through unified and collaborative activities, programs, and collective citizen engagement, culturally diverse programs, business services, trades and entertainment is valued; and

WHEREAS, all members of the Pflugerville community offer distinct perspectives, e.g., life experiences, cultural backgrounds, ideas, and interpretations, that foster creativity, innovation, and economic growth; and

WHEREAS, the City of Pflugerville will benefit from the identification of potential inequities in City services, programs, human resource practices, and decision-making processes; and from encouraging and empowering multicultural appreciation on the City; and

WHEREAS, the City of Pflugerville will benefit from establishing a Commission of diverse residents to address inequities that impact quality of life for identifiable communities in the City, e.g., race, ethnicity, religion, gender, economic status, sexual orientation/gender identification,

veteran status, marital status, language, age, disability, etc., as well as low-income communities in the City with regards to resource allocation, representation, health outcomes, and other disparities; 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, to add Section 31.60 establishing an Equity Commission.

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 adding **Chapter 31 (Departments, Boards and Commissions), Section 31.60 Equity Commission** as follows:

§ 31.60 EQUITY COMMISSION

§ 31.61 SHORT TITLE.

This subchapter shall be known, and may be cited, as the Equity Commission Ordinance of the City of Pflugerville, Texas.

§ 31.62 DEFINITIONS.

For the purpose of this subchapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

COMMISSION. The Equity Commission of the city.

CITY. The City of Pflugerville.

§ 31.63 CREATION; MEMBERSHIP REQUIREMENTS.

(A) Creation. There is hereby created the Equity Commission of the City.

(B) Membership.

1. All Commission members shall be appointed by the City Council and shall serve without compensation.
2. The Commission shall be composed of seven members to serve two-year terms.
3. Each candidate for appointment as a member of the Equity Commission shall be a registered voter of the city who has resided within the corporate city limits, or within territory annexed prior to the appointment, for at least twelve months preceding the

appointment. The Equity Commission shall, to the extent possible, be broadly representative of economic status, race, color, religion, gender, national origin, ancestry, marital status, physical or mental disability, sexual orientation and gender identity.

4. Commission members shall serve without compensation and shall not be employed by or hold any other position in city government. In addition to any other requirements prescribed by the City Council, members shall maintain the qualifications established by this section while in office.
5. Members of the Commission shall be limited to three consecutive full terms in office. A person who has served three consecutive full terms as a regular member may not again hold the same office until at least one term out of office has passed.
6. The term of office of Commission members is two years and shall commence on the first day of January. Initial appointments for establishment of the Commission shall be staggered and with partial terms, with three (3) members appointed with terms ending December 31, 2020 and four (4) members appointed with terms ending December 31, 2021.

§ 31.64 ORGANIZATION.

(A) Officers. The Commission shall elect from its members, at the first meeting of the Commission held on or after January 1 of each year, a chairman and a vice-chair, and may elect a secretary. Such officers shall hold office for terms of one year, or until their successors take office.

(B) The Commission shall establish rules of procedure consistent with city ordinances, resolutions, and regulations.

§ 31.65 DISMISSAL FROM COMMISSION.

(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 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 his/her position after being elected or appointed to city, county or state board or office.

§ 31.66 COMMISSION MEETINGS.

(A) The Commission shall hold at least one regular meeting each quarter and shall fix regular meeting dates at a regular meeting place. Special meetings may be called as necessary. A majority of the Commission members serving shall constitute a quorum to do business.

(B) All meetings shall be held in accordance with the Texas Open Meeting Act (TEX. GOV'T CODE, §§551.001 et seq.), as it now exists, or as same may hereafter be amended or codified, to the extent of its applicability to the Commission.

(C) Every regular or special meeting of the Commission shall be open to the public, except as may be authorized by the Texas Open Meetings Act.

§ 31.67 DUTIES OF THE COMMISSION.

(A) The Commission shall serve in an advisory capacity and render recommendations upon request of the City Council to include, without limitation, as follows.

- (1) Create focused recommendations specific to Pflugerville related to equity and empowerment issues.
- (2) Actively promote community awareness and education on the value of diversity.
- (3) Promote equity on the basis of economic status, race, color, religion, gender, national origin, ancestry, marital status, lawful source of income, physical or mental disability, familial status, sexual orientation and gender identity.
- (4) Develop recommendations for actions to strengthen policies, practices, services and programs.
- (5) Create a culture and framework of community equity, diversity and inclusion awareness efforts, programs and activities that are available and accessible to all community members.

(B) The Commission shall provide upon request of the City Council coordination, collaboration, innovation and focus to development effective solutions to address equity and empowerment issues.

(C) The Commission shall provide an annual report to the City Council by January 31 of each year and may be required to provide additional reports upon request of the City Council.

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 _____, 2020.

CITY OF PFLUGERVILLE, TEXAS

By: Victor Gonzales Mayor

ATTEST:

Karen Thompson, City Secretary

APPROVED AS TO FORM:

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