

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF PFLUGERVILLE, TEXAS, AMENDING THE CITY OF PFLUGERVILLE, TEXAS CODE OF ORDINANCES, BY AMENDING TITLE III ENTITLED ADMINISTRATION, BY AMENDING CHAPTER 30 ENTITLED CITY OFFICIALS, BY ADDING SECTION 30.20, *et. seq.* ENTITLED ACTING CITY MANAGER; REPEALING ALL ORDINANCES TO THE EXTENT THEY ARE IN CONFLICT; PROVIDING FOR SEVERABILITY; PROVIDING NO PENALTY; AND PROVIDING AN EFFECTIVE DATE

WHEREAS, the City Council finds the City of Pflugerville is a Texas Home-Rule Municipality as that term is defined by Texas law; and

WHEREAS, the City Council finds a lack of clarity in relation to certain Charter Provision language regarding appointment of Acting City Manager by the City Council and designation thereunder; and

WHEREAS, the City Council finds that it has the authority to promulgate rules regarding how to adequately carry out the terms of its Charter, without deviation therefrom.

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 City of Pflugerville, Texas Code of Ordinances, Title III (entitled “*Administration*”), Chapter 30 (entitled “*City Officials*”), Section 30.20, *et seq.* (entitled “*Acting City Manager*”), is hereby amended by adding language that is double underlined (double underlined).

ACTING CITY MANAGER

30.20 Title.

This subchapter will be known, and may be cited as the Acting City Manager’s Ordinance of the City of Pflugerville, Texas.

30.21 Acting City Manager.

(A) Appointment of Administrative Officers. Pursuant to Section 4.01(d) of the City Charter, the City Council hereby appoints the following administrative officers of the City to serve as Acting City Manager(s) in the absence or disability of the City Manager.

- (1) Assistant City Manager for Development Services
- (2) Assistant City Manager for Finance & Administration
- (3) Assistant City Manager for Community Services
- (4) Police Chief
- (5) Public Information Officer
- (6) City Engineer

(B) Designation. Upon foreknowledge of absence or disability which requires an Acting City Manager, it shall be the duty of the City Manager to give notice to the City Council which designated individual will act in such capacity and for what time frame if such is determinable.

(C) Inability to Designate. In the case of absence or disability which requires an Acting City Manager for which such notice is not possible or not given, the Acting City Manager shall be the above named person(s) sequentially beginning at the top of the list as stated above, depending on availability.

(D) This Ordinance is in no way intended to affect the Police Command structure in the case of a bona fide emergency.

Section 3. 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 4. 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 5. Effective Date. This Ordinance will take effect upon its adoption by the City Council in accordance with Section 3.15(d) of the City Charter.

PASSED AND APPROVED this _____ day of _____ 2017.

CITY OF PFLUGERVILLE, TEXAS

By: _____
Victor Gonzales, Mayor

ATTEST:

Karen Thompson, City Secretary

APPROVED AS TO FORM:

George Hyde, City Attorney
DENTON NAVARRO ROCHA BERNAL HYDE & ZECH, PC