

# **2021 City of Pflugerville Home Rule Charter**

## **Commission Recommended Measures**

**Measure A:** Public hearings on disannexation to be noticed pursuant to the Texas Open Meetings Act.

### **ARTICLE I. INCORPORATION, FORM OF GOVERNMENT, AND BOUNDARIES**

#### **Section 1.05. Detachment or Contraction of Boundaries.**

The city council by ordinance may detach any territory not suitable or necessary for city purposes with or without the consent of the inhabitants or owners of the area to be detached. In detaching any area, the city council shall ~~provide notice and~~ hold a public hearing on the proposed detachment. Notice of the meeting where the public hearing is to be held shall comply with the notice provision of the Texas Open Meetings Act, Texas Government Code Chapter 551, as amended or revised. as prescribed by Local Government Code § 43.052. The ordinance detaching an area shall specify accurately, by metes and bounds, the affected area.

**Measure B:** Ordinances to be published on the City's website.

### **ARTICLE III. THE CITY COUNCIL**

#### **Section 3.15. Ordinances, In General.**

(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.

**Measure C:** Creation of the position of an executive assistant to the city council.

### **ARTICLE IV. ADMINISTRATIVE SERVICES**

#### **Section 4.07. Executive Assistant to City Council**

The city council shall appoint an executive assistant to the City Council, who shall assist the city council in the performance of their duties as city council members and the legislative body of the City. The city council executive assistant shall serve at the will of the council and shall receive

compensation as fixed by the council. The executive assistant shall assist the city council and its individual members by acting as a point of contact, assisting with information and document flow, managing calendars and meetings, and managing other business and responsibilities as directed by the city council.

**Measure D: Signatures on recall petitions to be affixed to the petition within the time frame required by state law.**

## **ARTICLE VI. RECALL OF OFFICERS**

### **Section 6.05. Certification of Petition.**

~~To be valid, a signature must be placed on a petition no more than one hundred eighty two days after the original affidavit is filed with the city secretary as described under section 6.03.~~ A petition signature is invalid if the signer signed the petition earlier than the 180th day before the date the petition is filed with the City Secretary. Certification procedures described in section 7.04 shall be followed for recall petitions.

**Measure E: Prohibiting discrimination based on gender identity and sexual orientation.**

## **ARTICLE XI. GENERAL PROVISIONS**

### **Section 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.

**Measure F: Creating gender neutral wording.**

## **ARTICLE III. THE CITY COUNCIL**

### **Section 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 ~~his~~ 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 ~~his~~ 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 ~~his~~ 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.

## **ARTICLE IV. ADMINISTRATIVE SERVICES**

### **Section 4.05. Personnel Policies.**

(c) Any regular full-time employee who has been promoted or appointed from within the City ranks to a position as department head, assistant department head or assistant city manager may be demoted to ~~his~~ their previous rank/classification by the City Manager with or without cause and without right to appeal to the Board. However, if a department head, assistant department head or assistant city manager had not been employed by the City immediately prior to the time of appointment, demotion does not apply.

(d) Personnel Appeal Board. All commissioned peace officers that are regular, full-time employees or regular, part-time employees of the City (excluding the Police Chief and any other commissioned peace officers that do not report to the Police Chief or any contract employees) who have completed their initial probationary period, may appeal a disciplinary action resulting in a placement on suspension greater than 15 calendar days, a demotion to a lower rank or classification, or a termination of employment to a three-member Personnel Appeal Board panel. The following procedures apply to the Personnel Appeal Board:

6. The Personnel Appeal Board panel may adjourn to discuss and review the evidence. The panel shall provide a written decision based on the facts presented. The decision shall be announced in an open meeting. The panel has the authority to uphold, reduce, or set aside suspension, demotion or termination. The panel has the authority to reinstate the employee with or without loss of wages, benefits or rank. The decision of the Personnel Appeal Board panel is final and binding on the City and the employee. The employee automatically waives ~~his/her~~ their rights to appeal to a state or federal court unless the panel's decision was without jurisdiction or exceeded its jurisdiction or was influenced by fraud, collusion, or other unlawful means.

## **ARTICLE VI. RECALL OF OFFICERS**

### **Section 6.02. Recall Petition Required.**

Before submitting the question of recalling an official to the voters, a petition, signed by at least ten percent of the qualified voters of the city registered to vote at the last regular city election and demanding the question be submitted, shall be filed with the city secretary. Each person signing the petition shall personally sign ~~his~~ their own name in ink or indelible pencil and the petition shall include each signer's voter's registration number or date of birth, name, residence address and the date of signing. The petition shall contain a general statement of the grounds for which removal is sought.

### **Section 6.07. Public Hearing on Recall Petition.**

Within five days after a certified recall petition is presented to the city council, the city official sought to be removed may request that a public hearing be held to allow ~~him~~ them to present facts pertinent to the charges specified in the recall petition. The city council shall order a public hearing

to be held not fewer than five days nor more than fifteen days after receipt of a request for a public hearing.

#### **Section 6.09. Recall Election Results.**

If the majority of votes are against the recall of the person(s) named on the ballot, he shall continue in office for the remainder of the term, subject to recall as before. If a majority of votes are for the recall of the person(s) named on the ballot then, regardless of any technical defects in the recall petition, he shall be deemed removed from office, and the vacancy shall be filled as required by Section 3.07. A city official removed from office by recall election shall not be eligible to succeed ~~him~~ themselves; nor shall he be a candidate for any city elective office during the two-year period following the date of the election at which he was removed from office.

#### **Section 6.10. Restrictions on Recall.**

No recall petition may be filed against a city official during the six months following ~~his~~ their election or appointment or during the six months following an election for that city official's recall.

### **ARTICLE VII. INITIATIVE AND REFERENDUM**

#### **Section 7.03. Petitions.**

(b) Form and content: All papers of a petition shall be of uniform size and style and shall be assembled as one instrument for filing. Each person signing the petition shall personally sign ~~his~~ their own name in ink or indelible pencil and the petition shall also include each signer's name, voter's registration number or date of birth, residence address and the date of signing. Petitions shall contain or have attached to them throughout their circulation the full text of the ordinance proposed or sought to be reconsidered, or the question proposed to be submitted at a nonbinding referendum election.

(c) Circulator's affidavit: When filed, each paper of a petition shall have attached to it an affidavit executed by the circulator attesting (1) that he personally circulated the paper, (2) the number of signatures on the paper, (3) that all the signatures were made in ~~his~~ their presence, (4) that he believes them to be the genuine signatures of the persons whose names they purport to be, and (5) that each signer had an opportunity before signing to read the full text of the ordinance or proposition at issue.

### **ARTICLE VIII. BOARDS AND COMMISSIONS**

#### **Section 8.03. Membership Disqualification.**

No member of a board or commission shall remain in ~~his~~ their position after being elected or appointed to city office.

#### **Section 8.08. Planning and Zoning Commission.**

(d) Liaison with city council: The city manager or ~~his~~ their representative shall attend planning and zoning commission meetings and shall serve as liaison between the commission and the city council.

## **ARTICLE IX. BUDGET AND FINANCIAL ADMINISTRATION**

### **Section 9.04. Amendments After Adoption.**

(c) Reduction of appropriations: If at any time during the fiscal year it appears probable to the manager that the revenues available will be insufficient to meet the amount appropriated, he shall report to the council without delay, indicating the estimated amount of the deficit, any remedial action taken by ~~him~~ them, and ~~his~~ their recommendations for any other steps to be taken. The council shall take further action as it deems necessary to prevent or minimize any deficit and, for that purpose, it may by ordinance reduce one or more appropriations.

### **Section 9.07. Administration of Budget.**

(a) Payments and obligations prohibited: No payment shall be made or obligation incurred against any allotment or appropriation unless the manager or ~~his~~ their designee certifies there is a sufficient unencumbered balance in the allotment or appropriation and that sufficient funds are or will be available to cover the claim or meet the obligation when it becomes due and payable. Any payment authorized or obligation incurred in violation of this provision shall be void; any payment made in violation of this provision shall be illegal. Making unauthorized payments or obligations shall be cause for removal of any officer who knowingly authorized or made such a payment or incurred such an obligation. Furthermore, the person making the payment shall also be liable to the city for any amount illegally paid. However, this prohibition shall not be construed to prevent the making or authorizing of payments or making of contracts for capital improvements to be financed wholly or partly by the issuance of bonds, time warrants, certificates of indebtedness, or certificates of obligation, or to prevent the making of any contract or lease providing for payments beyond the end of the fiscal year, provided that the action is made or approved by ordinance.

### **Measure G: Correcting spelling and grammatical errors.**

## **ARTICLE II. POWERS OF THE CITY**

### **Section 2.01. General Powers Enumerated.**

In addition to the powers enumerated in or implied by this charter, the city shall have and may exercise all powers of local self-government and all other powers, rights, privileges, and immunities ~~which~~, under the constitution and laws of the State of Texas.

### **Section 3.18. Bonded Employees.**

The city council shall require all municipal officers and employees who receive and ~~disburse~~ 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.

### **Measure H: Prohibiting Council Members or city employees from being voting members of Charter or Ordinance created boards and commissions.**

## **ARTICLE VIII. BOARDS AND COMMISSIONS**

### **Section 8.03. Membership Disqualification.**

No member of a board or commission shall remain in his position after being elected or appointed to city office. No councilmember or city employee shall serve as a voting member or as an officer of any Board or Commission created by this Charter or city ordinance.