



# City of Pflugerville

## Legislation Details (With Text)

**File #:** 2018-6614    **Version:** 1    **Name:**  
**Type:** Agenda Item    **Status:** Discuss only  
**File created:** 3/13/2018    **In control:** City Manager Office  
**On agenda:** 3/13/2018    **Final action:**  
**Title:** Discussion regarding the procedure and timing of placing items on the November 6, 2018 election ballot. (Requested by Mayor Pro Tem Omar Peña)

**Sponsors:**

**Indexes:**

**Code sections:**

**Attachments:**

Date	Ver.	Action By	Action	Result
3/13/2018	1	City Council		
3/13/2018	1	City Council		

Discussion regarding the procedure and timing of placing items on the November 6, 2018 election ballot. (Requested by Mayor Pro Tem Omar Peña)

This item has been placed on the agenda at the request of Mayor Pro Tem Peña to discuss the procedure and timing of placing items on the November 6, 2018 election ballot.

The City will hold its General Election on November 6, 2018. The City Charter provides in Section 5.01(b) that the city council by resolution may order a special election to fill vacancies on the city council and for bond issues, ordinances, charter amendments, recall, initiative or referendum, or other purposes deemed appropriate by the council; and, in Section 11.10 that the charter may be amended in accordance with the laws of the State of Texas. The Texas Local Government Code Section 9.004 provides that (a) The governing body of a municipality on its own motion may submit a proposed charter amendment to the municipality's qualified voters for their approval at an election. The governing body shall submit a proposed charter amendment to the voters for their approval at an election if the submission is supported by a petition signed by a number of qualified voters of the municipality equal to at least five percent of the number of qualified voters of the municipality or 20,000, whichever number is the smaller. b) The ordinance ordering the election shall provide for the election to be held on the first authorized uniform election date prescribed by the Election Code or on the earlier of the date of the next municipal general election or presidential general election. The election date must allow sufficient time to comply with other requirements of law and must occur on or after the 30th day after the date the ordinance is adopted. (c) Notice of the election shall be published in a newspaper of general circulation published in the municipality. The notice must: (1) include a substantial copy of the proposed amendment; (2) include an estimate of the anticipated fiscal impact to the municipality if the proposed amendment is approved at the election; and (3) be published on the same day in each of two successive weeks, with the first publication occurring before the 14th day before the date of the election. (d) An amendment may not contain more than one subject. (e) The ballot shall be prepared so that a voter may approve or disapprove any one or more amendments without having to approve or disapprove all of the amendments. (f) The

requirement imposed by Subsection (c)(2) does not waive governmental immunity for any purpose and a person may not seek injunctive relief or any other judicial remedy to enforce the estimate of the anticipated fiscal impact on the municipality.

The last day to order a regular general election or special election on a ballot measure is Monday, August 20, 2018. Therefore, any proposition wording to be placed on the ballot would need to be ready in its final form to call a special election at the August 14, 2018 regular Council meeting.

The City Attorney would need to approve the charter amendment measure language and determine a schedule for its consideration. The City's Bond Counsel would need to determine a schedule and language for consideration of any bond issuance to be included on the November 6, 2018 election ballot.

Regarding the general election, the first day to file for a place on the general election ballot will be Saturday, July 21, 2018. City offices will be open on Monday, July 23, 2018 at 8:00 a.m. The last day to file will be Monday, August 20, 2018 at 5:00 p.m.

#### **Deadline for City Council Action**

August 20, 2018 is the deadline to order elections for November 6, 2018.

#### **Projected Future City Council Action**

The City Council is expected to order its election(s) for November 6, 2018 at their August 14, 2018 regular meeting.

#### **Fiscal Impact**

The estimated cost of the November 6, 2018 election is \$40,000.

#### **Staff Recommendation**

Discuss only.

#### **Drafter**

Trey Fletcher  
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