



HOME RULE CHARTER

FOR THE

CITY OF PFLUGERVILLE, TEXAS

ORIGINALLY ADOPTED NOVEMBER 1993;

AMENDED JANUARY 18, 1997

AMENDED NOVEMBER 6, 2001

AMENDED NOVEMBER 7, 2006

AMENDED NOVEMBER 8, 2011

HOME RULE CHARTER
CITY OF PFLUGERVILLE, TEXAS
FOURTH CHARTER REVIEW COMMISSION
APPOINTED NOVEMBER 9, 2010

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PREAMBLE

We, the citizens of Pflugerville, Texas, in order to provide for the future progress of our city, establish and maintain a system of self-government based on sound fiscal and operational methods, ensure equal protection and treatment of all persons, and secure fully the benefits of our location and environment, do adopt this Home Rule Charter in accordance with the laws of the State of Texas.

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

Section 1.01. Incorporation.

The inhabitants of the City of Pflugerville, Travis County, Texas, residing within its corporate limits as they exist and may be established in the future, constitute and shall continue to be a municipal body politic and corporate in perpetuity under the name of the "City of Pflugerville," with the powers, privileges, rights, duties, and immunities set forth in this charter. The City of Pflugerville is referred to in this charter as "the city".

Section 1.02. Form of Government.

The municipal government provided by this charter shall be the city council-manager form of government, consisting of a mayor and council members, elected by the people and responsible to the people, and a city manager, appointed by and responsible to the council for proper administration of the city. Subject only to the limitations imposed by the state constitution, applicable state statutes, and this charter, all powers of the city shall be vested in the elected mayor and council members, who shall enact local legislation, adopt budgets, and determine policies. All powers of the city shall be exercised in the manner prescribed by this charter or, if not prescribed, as set out by ordinance, adopted in accordance with this charter.

Section 1.03. Boundaries.

The bounds and limits of the city shall be those established in the original incorporation proceedings of the city, filed of record on October 20, 1965, in the office of the County Clerk of Travis County, Texas and those boundaries established and changed after that date by annexation ordinances and proceedings of the city.

Section 1.04. Extension of Boundaries or Extraterritorial Jurisdiction.

The boundaries of the city may be enlarged and extended by the annexation of additional territory, regardless of size or configuration, in any of the following ways:

1. By annexing territory adjacent to the city and located within its extraterritorial jurisdiction with or without the consent of the residents or owners of the territory annexed, according to the procedures prescribed by Local Government Code § 43.052 and § 43.053.
2. By acting on the petition of area landowners in sparsely occupied areas according to the procedures prescribed by Local Government Code § 43.028.
3. By amending the city charter.
4. By any other manner and procedure now provided by law or as may be provided by law in the future or in any manner provided by ordinance of the city.

Before the city may annex an area or extend its extraterritorial jurisdiction, the city manager must present a written report on the financial impact of the proposed annexation or extension and the adoption of any proposed service plan to the Planning Commission and city council. On the effective date of any ordinance to annex an area, the area shall become a part of the city and the inhabitants of the area shall become entitled to the rights and privileges of other citizens of the city and be bound by the acts and ordinances adopted by the city.

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 hearings as prescribed by Local Government Code § 43.052. The ordinance detaching an area shall specify accurately, by metes and bounds, the affected area.

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, it would be competent to specifically enumerate under this charter, and such powers shall be subject only to the limitations imposed by the State constitution, State law, and this charter. In the exercise of its powers, the city may:

1. Design, adopt, and use a corporate seal.
2. Contract and be contracted with.
3. Sue and be sued, implead and be impleaded in all courts in all matters.
4. Cooperate with the State and any of its agencies, and any other political subdivision of the State, including cooperation pursuant to the Interlocal Cooperation Act, Chapter 791, Government Code, and cooperate with the federal government and any of its agencies.
5. Own property and acquire property within or without its boundaries, for any municipal purpose, in fee simple or in any lesser estate of interest, by purchase, gift, deed, devise, lease, or condemnation.
6. Hold, sell, lease, manage, control, improve, and police any property owned by the city or which may be acquired by the city.
7. Construct, own, lease, operate, and regulate public utilities.
8. Assess, levy, and collect taxes for general and special purposes on all lawful subjects of taxation.
9. Borrow money on the faith and credit of the city.
10. Adopt a budget and appropriate the money of the city for all lawful purposes.
11. Regulate and control the use the streets and other public places.
12. Pass and enforce ordinances for the protection and maintenance of good government, peace, and order of the city, for the performance of the functions of the city, for the trade and commerce of the city, and for the health, safety, welfare, and security of the residents of the city.
13. Provide suitable penalties for violations of city ordinances.

Section 2.02. Eminent Domain.

The city shall have the full power and right to exercise the power of eminent domain when necessary or desirable to carry out any of the powers conferred by this charter or by the constitution and laws of the State of Texas. The city may exercise the power of eminent domain in any manner authorized or permitted by the constitution and laws of the State of Texas, including the power to condemn private property for any municipal or public purpose, the right to condemn public property for that purpose, and

the right to take the fee or any lesser interest in land condemned. The city shall make adequate compensation for condemned property in accordance with laws and constitution of the state.

Section 2.03. Zoning.

The city council shall have the power and authority to zone the city and to pass all necessary ordinances, rules, and regulations to accomplish its purposes in zoning.

Section 2.04. Tort Liability.

In order to preserve a claim under the Texas Tort Claims Act, Chapter 101, Texas Civil Practice and Remedies Code, notice of personal injury, death, or property damages must be mailed by certified mail, return receipt requested, to the city manager within ninety days of the date that the incident giving rise to the claim occurred. The notice must:

- (1) describe the damage or injury claimed;
- (2) state the time, date, and place of the incident;
- (3) describe the incident in reasonable detail;
- (4) state the city's alleged fault producing or contributing to the injury or damage; and
- (5) identify all parties involved in the claim.

This ninety-day notice is not required if the city has actual notice of all elements of the claim, including knowledge of fault and knowledge of the injury or damage. In addition, the city may, by majority vote of its city council, waive the ninety-day notice requirement for good cause. Any claim against the city is subject to the limitations of the Texas Tort Claims Act.

**ARTICLE III
THE CITY COUNCIL**

Section 3.01. Number, Selection, and Term.

The city council shall be composed of the mayor and five council members, who shall be elected from the city at large. Each council member shall occupy a position on the council, numbered one through five consecutively. The mayor and council members shall be elected in the manner provided in Article V of this charter to serve for three-year terms.

Unless the context clearly requires otherwise, the terms "city council" or "council", when used in this charter, shall mean the mayor and the council members.

Section 3.02. Term Limits.

Council members and the mayor shall be limited to three consecutive full terms in office. A person who has served three consecutive full terms as a council member, regardless of place number, or as mayor may not again hold the same office until at least one term out of office has passed. A person who has served three consecutive terms as a council member shall be eligible to be elected to the office of mayor for three consecutive terms, and a person who has served three consecutive terms as mayor shall be eligible to be elected as a council member for three consecutive terms.

Section 3.03. Qualifications.

In addition to any qualifications for holding office prescribed by law, the members of the council shall reside within the city and shall meet the conditions of section 5.02 of this charter while in office.

Section 3.04. Compensation.

Members of the city council shall serve without compensation, but shall be entitled to payment of or reimbursement for all necessary expenses incurred in the performance of official duties, upon approval by the city council.

Section 3.05. General Powers and Duties.

All powers of the city shall be vested in the city council, except as otherwise provided by law or this charter. The city council shall provide for the performance of all duties and obligations imposed on the city by law through the establishment of general policies and ordinances, which will be implemented by the City Manager. Any city council member may place an item on the agenda for a subsequent regular council meeting with the consent of a second council member.

Section 3.06. Mayor and Mayor Pro-tem.

The mayor shall have the following rights and responsibilities:

1. With the advice of the city manager and assistance from the city secretary and other city staff members, as appropriate, prepare agendas for city council meetings.
2. Preside at all meetings of the city council and vote only if there is a tie.
3. Sign any ordinance, order, resolution, plat, bond, conveyance, contract, or other document that is authorized or enacted by the city council.
4. Serve as head of the city government for all ceremonial purposes.
5. Serve as the official representative of the city.
6. Perform other duties, consistent with this charter, as may be imposed by the city council.

The mayor shall not have the power to veto or modify any ordinance adopted by the city council and shall not, in any way, neutralize or negate any action of the city council. The mayor may not bind or obligate the city in any way without prior authorization from the city council. Anything herein to the contrary notwithstanding, the mayor shall not vote on any motion considered by the council, except as required in order to break a tie.

The mayor pro-tem shall be a council member elected by the council at the first meeting following the canvassing of each regular election. The mayor pro-tem shall act as mayor during the disability or absence of the mayor. When acting in the capacity of mayor, the mayor pro-tem shall have the rights and responsibilities and be subject to the limitations, including those on voting, conferred on the mayor by this Section. In the event a vacancy in the office of mayor occurs, the council shall within 30 days determine how to fill the vacancy for the office of mayor in accordance with state law.

Section 3.07. Vacancies.

A vacancy is created when any member of the council dies, resigns, or is removed from office under section 3.08. Within 30 days following the creation of a vacancy, the council shall take action to fill the vacancy in accordance with state law.

Section 3.08. Removal from Office.

(a) Reasons: Any member of the council may be removed from office for any of the following reasons:

1. Failure to maintain the qualifications for office required by sections 3.03 and 5.02 of this charter.
2. Violation of any express prohibition of this charter or the Code of Ethics adopted under Section 11.05.
3. Conviction of a crime involving moral turpitude.
4. Failure to attend three consecutive regular city council meetings without being excused by the council.

(b) Initiation: Removal proceedings shall be initiated when a sworn written complaint charging a member of the council with an act or omission that is a reason for removal is presented to the mayor or, if the complaint is against the mayor, to the mayor pro tem. The person receiving the complaint shall file it with the city secretary, who shall provide a copy to the member complained against and all other council members. The mayor or the mayor pro-tem shall set a time and date for a hearing on the complaint.

(c) Hearing and decision: The remaining members of the city council shall conduct a hearing to take evidence on the complaint. The member complained against shall have a right to representation at the hearing and to question and cross-examine all witnesses, but may not vote on the question of removal. Based on the evidence presented at the hearing, the city council shall make a decision whether the member should be removed from office and shall issue an order setting out its decision. If it determines by at least three affirmative votes that removal is warranted, it shall declare a vacancy to be filled no sooner than the next regular meeting and in accordance with section 3.07. The decision of the city council shall be final and binding so long as it is made in good faith.

Section 3.09. Prohibitions.

(a) Holding other office: No member of the council shall hold other city office or employment during his term of office and no former member of the council shall hold any compensated appointive city office or employment until at least one year after the expiration of his 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 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.

(c) Interference with administration: Unless making inquiries or conducting an investigation under section 3.19, the city council and its individual members shall work through the city manager in dealing with city officers and employees who are under the direction and supervision of the city manager. No member of the council shall exert any direct control over city officers and employees or shall give orders to or direct the actions of city officers and employees, publicly or privately, except as may be permitted by this charter.

Section 3.10. City Council Meetings.

The city council shall meet at least once each month and may hold as many additional meetings as it deems necessary to transact the business of the city. Days and times of regular meetings shall be set by resolution. All meetings shall be posted and conducted in accordance with the requirements of the Texas Open Meetings Act, Chapter 551, Government Code. The city council must annually meet with each board or commission.

Section 3.11. Quorum.

Three city council members, excluding the mayor (but not excluding the mayor pro-tem when acting as mayor), shall constitute a quorum for the purpose of transacting business. Except as otherwise provided by this charter or state law, the affirmative vote of a majority of those members present and voting shall constitute valid action by the city council.

Section 3.12. Rules of Procedure.

The city council shall determine its own rules and order of business by resolution. Rules of procedure shall ensure that citizens of the city have a reasonable opportunity at any meeting to address the council regarding matters under consideration. The council shall provide for minutes to be kept of all meetings and, except for records of discussion held in executive session, the minutes shall be public records.

Section 3.13. Voting.

Voting on all motions regarding official actions of the council shall be by roll call, and each member's vote shall be recorded in the minutes. Except as prohibited by conflict of interest laws or this charter, all members of the city council shall vote "yes" or "no" on every action, resolution, or ordinance requiring a vote. The nature of a conflict of interest requiring an abstention shall be concisely stated in the minutes.

Section 3.14. Action Requiring an Ordinance.

In addition to other acts required by law or by specific provision of this charter to be done by ordinance, the city council shall adopt ordinances in order to:

1. Adopt or amend an administrative code or establish, alter, or abolish any city department, office, or agency.
2. Provide for a fine or other penalty or establish a rule or regulation subject to a fine or other penalty for its violation.
3. Levy taxes.
4. Grant, renew, or extend a franchise.
5. Regulate the rates charged by a public utility for its services.
6. Authorize the borrowing of money.
7. Convey or lease or authorize the conveyance or lease of any city land.
8. Regulate land use or development.
9. Amend or repeal any ordinance previously adopted.

Acts other than those specifically enumerated above may be done either by ordinance or resolution.

Section 3.15. Ordinances, In General.

(a) Form: The council shall legislate only by ordinance that contains an enacting clause stating, "Be it ordained by the City Council of the City of Pflugerville, Texas." Each proposed ordinance shall be introduced in the written or printed form required for adoption. No ordinance shall contain more than one subject, which shall be clearly expressed in its title; however, general appropriations ordinances may contain various subjects and accounts for which monies are to be appropriated.

Once adopted, no ordinance may be amended or repealed except by adoption of another ordinance amending or repealing the original ordinance. Except when an ordinance is repealed in its entirety, the amending or repealing ordinance shall set out in full the ordinance, sections, or subsections to be amended or repealed and shall clearly indicate the proposed amendments, additions, or deletions.

(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. 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.

The city attorney shall review all proposed ordinances before first reading and provide any suggestions or objections to the council in writing.

Except as specified below, a proposed ordinance shall be read at two council meetings with at least seventy-two hours elapsing between readings. A proposed ordinance may be amended on first reading; however, if an amendment is made at second reading, final adoption shall be postponed until a subsequent meeting. An emergency ordinance shall be adopted in accordance with section 3.16 of this charter; a budget ordinance shall be adopted in accordance with section 9.03 of this charter; an appropriations ordinance shall be adopted in accordance with section 9.04 of this charter; an ordinance pertaining to borrowing shall be adopted in accordance with section 9.05 of this charter; and a tax ordinance shall be adopted in accordance with section 9.08 of this charter.

(c) Reading: Reading aloud the caption of an ordinance shall satisfy the requirement for reading, provided that printed copies of the ordinance in the form required for adoption are in front of all council members present and a reasonable number of copies are available to citizens present at the meeting. If three council members request, a proposed ordinance shall be read aloud in its entirety.

(d) Effective date: Every ordinance shall be effective upon adoption, or at any later time specified in the ordinance; however, no ordinance imposing a penalty, fine, or forfeiture shall become effective until the caption of the ordinance, which shall summarize the purpose of the ordinance and the penalty for violating the ordinance has been published one time on the city's official website or other electronic media that is readily accessible to the public. An ordinance passed on first reading by at least three affirmative votes may become effective after first reading provided the motion so specifies, but the ordinance shall be posted and adopted at a subsequent meeting as required by section 3.15(b).

Section 3.16. Emergency Ordinances.

(a) Purpose and limitations: To meet a public emergency affecting life, health, property, or the public peace, the council may adopt emergency ordinances; however, ordinances that levy taxes; grant, renew, or extend a franchise; regulate the rates charged by a public utility for its services; or, except as permitted by section 9.05, authorize the borrowing of money shall not be adopted as emergency ordinances.

(b) Form and procedure: An emergency ordinance shall be introduced in the form required for ordinances and shall be clearly designated in its caption as an emergency ordinance. Immediately after the enacting clause, it shall contain a declaration stating that an emergency exists and describing it in clear and specific terms. The affirmative vote of three council members shall be required to approve an emergency clause. An emergency ordinance may be adopted, amended, or rejected at the same meeting at which it is introduced, and the affirmative vote of three council members is required for adoption. After adoption, it shall be numbered as any other ordinance with the designation of "E" following the number and shall be published and become effective in the manner required for any other ordinance.

(c) Expiration: Any emergency ordinance, except one authorizing borrowing as provided by section 9.05, shall be automatically repealed sixty-one days after becoming effective, but this provision shall not prevent re-adoption of the ordinance using the procedure required for any other ordinance.

Section 3.17. Code of Technical Regulations.

The city council may adopt any standard code of technical regulations by adopting an ordinance that incorporates the code by reference. The procedure for adopting such an ordinance shall be as prescribed in section 3.15 of this charter, except that the requirement for distribution and posting of copies of the ordinance shall be construed to include copies of the technical regulations proposed for adoption by reference, as well as the adopting ordinance. Copies of an adopted code of technical regulations shall be available from the city secretary for distribution or for purchase at a reasonable price.

Section 3.18. Bonded Employees.

The city council shall require all municipal officers and employees who receive and pay out 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.

Section 3.19. Inquiries and Investigations.

The city council may, upon majority vote, make investigations into the affairs of the city and the conduct of any city department, division, or office and for this purpose may subpoena witnesses, administer oaths, take testimony, and require the production of evidence. By ordinance, the council may provide that any person who fails or refuses to obey a lawful order issued in the exercise of these powers shall, upon conviction, be guilty of a misdemeanor and subject to a fine set by that ordinance.

ARTICLE IV ADMINISTRATIVE SERVICES

Section 4.01. City Manager.

(a) Appointment and qualifications: The city council shall appoint a city manager by affirmative vote of at least four members. The council shall determine a method of selection that ensures orderly, nonpartisan action in securing a competent and qualified person to fill the position. The city manager shall be chosen based on executive and administrative training, experience, and ability. Within a reasonable time after appointment, which time shall be set by the council, the city manager shall become a resident of the city.

(b) Term and compensation: The city manager shall be employed for a term and compensation and upon conditions determined by the city council.

(c) Powers and duties: The city manager shall be the chief administrative officer of the city and shall be responsible to the city council for the proper administration of all city matters. In fulfilling that administrative responsibility, the city manager shall:

1. Implement the general policies established by the City Council
2. See that all state laws and city ordinances are effectively enforced.
3. Appoint, suspend, or remove department heads in accordance with the city's established policies and procedures, except as otherwise provided in this charter.
4. Attend all city council meetings unless excused by the council.
5. Prepare the annual budget and submit it to the city council in accordance with section 9.03 of this charter and be responsible for administration of the budget after its adoption.

6. Prepare and submit to the city council at the end of each fiscal year a complete report on the finances and administrative activity of the city for the preceding year.
7. Submit to the city council a monthly budget report; keep the council informed regarding the city's financial condition and future needs; and make financial recommendations.
8. Provide reports concerning the operation of city departments, offices, commissions, boards and agencies, as required by the city council.
9. Serve as officer for public records in accordance with the Texas Open Records Act, Chapter 552, Government Code, and the custodian of records under the Local Government Records Act, Subtitle C, Title 6, Local Government Code.
10. If authorized by the city council, sign any contract, conveyance or other document.
11. Assist each board or commission that must make recommendations to the city council regarding the expenditure of funds or capital improvements in the preparation or amendment of a five-year plan to submit to the council.
12. Perform the duties prescribed by this charter and other duties as may be required by the city council, consistent with this charter.

(d) Acting city manager: Within sixty days after the city manager takes office, the city council, on recommendation of the city manager, shall appoint a qualified administrative officer of the city to serve as acting city manager in the manager's absence or disability. No member of the city council may serve as acting city manager.

Section 4.02. Municipal Court.

(a) Establishment: A municipal court for the City of Pflugerville is established and shall be maintained for the trial of misdemeanor offenses. The municipal court shall have all the powers and duties of municipal courts prescribed by State law.

(b) Municipal judge and associate judges: The city council shall appoint a municipal judge, who shall be an attorney licensed to practice law in Texas, and shall fix the compensation for that office. The city council, in its discretion, may appoint additional associate municipal judges, who shall not be required to be attorneys. All municipal judges shall serve at the will of the council and shall receive compensation fixed by the city council.

(c) Municipal court clerk: The city manager shall appoint a clerk of the municipal court and deputies, as needed, who shall have power to administer oaths and affidavits, make certificates, affix the seal of the court, and perform any of the usual and necessary acts performed by clerks of courts in issuing process and conducting the business of the court.

(d) Finances: All costs, fees, special expenses, and fines imposed by the municipal court shall be deposited to the city treasury for the use and benefit of the city, except as otherwise required by state law.

Section 4.03. City Attorney.

The city council shall appoint a city attorney, who shall be a competent attorney, duly licensed to practice law in Texas. The city attorney shall serve at the will of the council and shall receive compensation as fixed by the council. The city attorney shall be the legal advisor and attorney for the city and all its departments and officers in the conduct of city business and shall represent the city in all

litigation; however, the city council may retain special counsel at any time it deems necessary or advisable.

Section 4.04. City Secretary.

The city manager shall appoint the city secretary and may appoint assistant city secretaries, as needed. The city secretary shall serve at the will of the city manager and shall perform the following duties:

1. Post or cause to be posted notice of city council and city board or commission meetings, as required by the Texas Open Meetings Act, Chapter 551, Government Code.
2. Keep or cause to be kept minutes of city council meetings and ensure that minutes of city board or commission meetings are kept.
3. Authenticate by personal signature and record or cause to be recorded in full, in a book indexed for this purpose, all ordinances and resolutions.
4. Serve as an agent of the officer of public records in accordance with the requirements of the Texas Open Records Act, Chapter 552, Government Code, and the records management officer under the Local Government Records Act, Subtitle C, Title 6, Local Government Code.
5. Perform all duties prescribed by this charter.
6. Perform other duties as required by the city council or assigned by the city manager.

Section 4.05. Personnel Policies.

(a) The City Manager, subject to the approval of the City Council, shall develop policies and procedures to govern the hearing and redress of employee grievances regarding wages, hours of work, and conditions of work and to provide for the annual evaluation of all City employees.

(b) All full time employees shall be required to complete an initial probationary period.

(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 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:

1. The Mayor, with the advice and consent of the City Council, shall appoint not less than five (5) individuals to serve on the Personnel Appeal Board for up to 3 years. Any given panel will consist of three (3) of the appointed members. The Mayor, with the advice and consent of the City Council, shall establish the procedures for the conduct and recording of the Personnel Appeal Board hearings and outcomes. Members of the Personnel Appeal Board must be at

least 21, have no criminal record, no prior employment with the City, and be a resident of the City of Pflugerville for at least 3 years.

2. The employee shall notify the City Manager in writing within ten (10) working days after the employee receives a written notice of suspension, demotion, or termination that he/she will be requesting the Personnel Appeal Board to hear the appeal. The written notice must include a sworn and notarized statement acknowledging the employee is voluntarily waiving the right to pursue any claims in any state or federal court.
3. Unless the employee agrees to an alternative date, the Personnel Appeal Board panel shall conduct a hearing and render a decision within thirty (30) calendar days from the time the written appeal has been presented to the City Manager.
4. The Board shall not be given any documents or materials or take part in any discussion regarding the appeal prior to the hearing. All hearings shall be open to the public unless otherwise requested by the employee.
5. The City shall carry the burden of proof by a preponderance of the evidence to show that the disciplinary action was for just cause. The panel is not required to use Rules of Evidence, but the hearing shall be fair and impartial. If the employee makes a written request to the City Manager within ten (10) calendar days before the hearing, he/she shall be allowed to review all documents, statements, and records used to determine the disciplinary action at least seven (7) calendar days before the hearing. The employee shall be allowed to introduce evidence or call witnesses. The employee has the right to cross-examine and confront all witnesses. In addition, the party that calls a witness is responsible for paying any charges incurred for that person.
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 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.

Section 4.06. Administrative Departments.

Administrative departments other than those established by this charter, may only be established by an ordinance adopted by the city council; however, the council shall not affect the administrative organization of the city until it has heard the recommendations of the city manager regarding proposed changes.

Except as otherwise provided in this charter, administrative departments shall be under the direction of the city manager, who shall appoint the head of each administrative department, subject to approval of the city council. All department heads shall serve at the will of the city manager. The head of each department shall have supervision and control over the department. Two or more departments may be headed by the same person, and the city manager may head one or more departments.

ARTICLE V NOMINATIONS AND ELECTIONS

Section 5.01. City Elections.

(a) Schedule: Regular city elections shall be held annually on the uniform election day designated by the State of Texas closest to the second Saturday in May.

(b) Special elections: 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.

(c) Registered voter list: A list of registered voters within the city for Travis County voters is available through the Travis County tax assessor-collector. A list of registered voters within the city for Williamson County voters is available through the Williamson County elections administrator.

(d) Conduct and regulation of elections: All city elections shall be governed by the State constitution, the Election Code, this charter, and city ordinances and resolutions. The city council by resolution shall fix the time and polling places for all elections, provide the means for conducting them, and appoint election officials.

Section 5.02. Filing for Office.

(a) Eligibility: A candidate for elective city office shall be a registered voter of the city who for at least twelve months prior to the election has resided within the corporate limits of the city, including territory annexed prior to the filing deadline.

(b) Limitations: No candidate may file for more than one office or council place at the same election. A city employee seeking city elective office is deemed to have resigned from city employment immediately upon filing for a place on the ballot.

Section 5.03. Official Ballots.

Ballots in all city elections shall comply with the provisions of Chapter 52, Election Code.

Section 5.04. Canvassing.

The city council shall canvass the returns and declare the results in accordance with state election law. The returns of every municipal election shall be recorded in the minutes of the meeting at which the vote is canvassed by totals for each candidate or “for” and “against” each issue submitted.

Section 5.05. Election by Majority and Run-off Election.

To be elected, a candidate must receive a number of votes greater than one-half the total number of valid ballots cast for the office. If no candidate receives a majority vote or if there is a tie vote, the council shall call a run-off election between the two candidates who received the greatest number of votes to be held according to the requirements of the Election Code.

Section 5.06. Taking Office.

The term of a candidate who is elected shall begin when he takes the oath of office, as required by the Texas Constitution. Unless unforeseen circumstances prevent it, the oath of office shall be taken within fourteen days following the date of canvassing and declaring results or following the meeting at which the appointment was made. Before taking the oath of office, a candidate who is elected shall verify via signature that he or she has read this Charter or been made aware of its provisions and promises to abide by them. The oath shall be administered by the mayor, mayor pro-tem, city secretary, or other person authorized by law to administer oaths. If a city board or commission member is elected or appointed to city office, the member is deemed to have resigned from the board or commission immediately upon being elected or appointed to city office

ARTICLE VI

RECALL OF OFFICERS

Section 6.01. Scope of Recall.

Any elected city official, whether elected to office or appointed by the city council to fill a vacancy, shall be subject to recall and removal from office by the qualified voters of the city.

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 own name in ink or indelible pencil and the petition shall include each signer's voter's registration number, name, residence address and the date of signing. The petition shall contain a general statement of the grounds for which removal is sought.

Section 6.03. Initiating Recall Petition.

(a) Affidavit: Any registered voter of the city may make and file with the city secretary an affidavit containing the name of the officer whose removal is sought and a statement of the grounds for removal. The city secretary shall immediately inform the officer and all other council members in writing that the affidavit has been filed and of the stated grounds for removal.

(b) Petition forms: Within two working days after the affidavit is filed, the city secretary shall make available to registered voters copies of petition blanks demanding that the question of removal of the officer be submitted to the voters. The city secretary shall keep a sufficient supply of printed petition blanks on hand for distribution. The printed blanks shall bear the city secretary's signature and shall be in the form prescribed in section 6.04. When issued, blanks shall be numbered, dated, and indicate the name of the person to whom issued.

(c) Records: The city secretary shall maintain a record kept in the secretary's office of the name of registered voters to whom petition blanks were issued and the number issued to each voter.

Section 6.04. Recall Petition Form.

A recall petition shall be addressed to the City Council of the City of Pflugerville and shall distinctly and specifically state each ground for removal in sufficient detail to give the officer who is the subject of the petition reasonable notice of the matters and things with which he is charged. A recall petition shall be in substantially the form that follows and may consist of one or more copies or lists circulated separately. Verifications as required below may be made by more than one petitioner and parts or copies of the petition may be filed separately by different persons.

We the undersigned voters of the City of Pflugerville demand the question of removing (name of person) from the office of (name of office) be submitted to a vote of the registered voters of the city. The charges and specifications upon which this demand for removal is predicated are as follows:

NAME	SIGNATURE	VOTER'S REGISTRATION #	ADDRESS	DATE
_____	_____	_____	_____	_____

The signature shall be verified by oath in the following form:

“STATE OF TEXAS
COUNTY OF TRAVIS

I, , being first duly sworn, on oath depose and say that I am one of the signers of the above petition; and that the statements made therein are true, and that each signature thereto was made in my presence on the date it purports to have been made, and I solemnly swear that the same is the genuine signature of the person whose name it purports to be.

(Signature)

(Printed Name)

Sworn and subscribed to before me this _____ day of , 20_____.

Notary Public
State of Texas

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. Certification procedures described in section 7.04 shall be followed for recall petitions.

Section 6.06. Presentation to City Council.

The city secretary shall present a certified petition to the city council at the next regular council meeting following certification.

Section 6.07. Public Hearing on Recall Petition.

Within five days after a certified recall petition is presented to the city council, the officer sought to be removed may request that a public hearing be held to allow him 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 6.08. Calling Recall Election.

If the officer whose removal is sought does not resign, the city council shall order an election on the question to be held at the earliest possible date as allowed by state election law.

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. An officer removed from office by recall election shall not be eligible to succeed himself; 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 officer during the six months following his election or appointment or during the six months following an election for that officer's recall.

Section 6.11. Failure to Call Election.

If a certified petition for recall is presented to the city council and it fails or refuses to accept the petition or call the required election or discharge any other duty pertaining to this article, the County Judge of Travis County, Texas, shall discharge those duties.

ARTICLE VII INITIATIVE AND REFERENDUM

Section 7.01. General Authority.

(a) Initiative: The qualified voters of the city shall have the power to propose ordinances to the city council that are not in conflict with this charter, state law, or the state constitution, but this power shall not extend to ordinances appropriating money, levying taxes, or relating to zoning. If the city council fails to adopt the proposed ordinance, the voters may approve or reject it at a city election.

(b) Referendum: The qualified voters of the city shall have the power to require council reconsideration of any adopted ordinance, but this power does not extend to an ordinance relating to appropriation of money, levy of taxes, or zoning; nor does referendum authority extend to the budget, the capital program, an emergency ordinance, or bonds issued pursuant to an election. If the council fails to repeal an ordinance so reconsidered, the voters may approve or reject it at a city election.

(c) Nonbinding referendum: The qualified voters of the city may petition the council to hold a nonbinding referendum election on any issue that affects the city, but this power does not extend to an ordinance relating to appropriation of money, levy of taxes, zoning, the budget, the capital program, an emergency ordinance, or bonds issued pursuant to another election. The city council is not required to call an election if a petition for a nonbinding referendum is submitted. The city council may call a nonbinding referendum election on any issue on its own motion.

Section 7.02. Petitioners' Committee and Affidavit.

Any five qualified voters may begin initiative, referendum or nonbinding referendum proceedings by filing an affidavit with the city secretary stating that they will constitute the petitioners' committee and be responsible for circulating the petition and filing it in proper form. The affidavit shall state their names and addresses, their voter's registration numbers and the address or addresses to which all notices to the committee shall be sent. The affidavit shall set out in full the proposed initiative ordinance, cite the ordinance sought to be reconsidered, or the question proposed to be submitted to the voters at a nonbinding referendum election. When the affidavit is filed, the city secretary immediately shall issue the appropriate petition blanks to the committee.

Section 7.03. Petitions.

(a) Number of signatures: Initiative, referendum and nonbinding referendum petitions must be signed by least twenty percent of the number of qualified voters registered to vote at the last regular city election.

(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 own name in ink or indelible pencil and the petition shall also include each signer's name, voter's registration number, 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 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.

(d) Time for filing referendum petitions: Petitions must be filed within one hundred eighty days after issuance of the appropriate blanks to the petitioners' committee. Additional time as specified in section 7.04 shall be allowed for amending petitions.

Section 7.04. Determining Sufficiency of Petition.

(a) Certificate of city secretary: Within ten days after a petition is filed, the city secretary shall complete a certificate as to its sufficiency. If the petition is found to be insufficient, the certificate shall specify the particulars of its defects. When the certification is complete, the city secretary shall immediately send a copy of the certificate to each member of the petitioners' committee by certified mail.

(b) Sufficient petition, final determination: If the petition is certified sufficient, the city secretary shall present the certificate to the city council at the next regular council meeting. The certificate shall be a final determination of the sufficiency of the petition.

(c) Insufficient petition, final determination: If the petition is certified insufficient and the petitioners' committee does not pursue its options under subsections (d) and (e), the city secretary shall present the certificate to the city council at the next regular council meeting. The certificate shall be a final determination of the insufficiency of the petition.

(d) Insufficient petition, appeal: If the petition is certified insufficient and the petitioners' committee does not file notice of intention to amend as provided in subsection (e) within two working days after receipt of the certificate, the committee may file a request that the city council review the certificate. The council shall review the certificate at its next regular meeting after the request is filed and shall approve or disapprove the certificate. The council's determination shall be a final determination of the sufficiency of the petition.

(e) Insufficient petition, amendment: If the petition is certified insufficient because it lacks the required number of valid signatures, it may be amended one time only. The petitioners' committee shall file notice that it intends to amend the petition with the city secretary within two working days after receipt of the certificate. A supplementary petition with additional signatures and in a form that complies with sections 7.03 (b) and (c) must be filed within two weeks after receipt of the certificate.

Within five days after an amended petition is filed, the city secretary shall complete a certificate as to its sufficiency. Within twenty-four hours of completion, the city secretary shall send a copy of the certificate to each member of the petitioners' committee by certified mail. The final determination of the sufficiency of an amended petition shall be as prescribed by subsections (b), (c), and (d) of this section. An amended petition shall not be amended again.

(f) Court review; new petition: A final determination of the sufficiency of a petition is subject to judicial review. A final determination that the petition is insufficient, even if sustained by a court, shall not prevent the filing of a new petition for the same purpose.

Section 7.05. Effect of Ordinance Suspended.

If a referendum petition is determined to be sufficient, the ordinance that is the subject of the petition shall be suspended until the council repeals or amends the ordinance as requested by the petition or until the ordinance is upheld by election.

Section 7.06. Action on Petitions.

(a) Council action: Within thirty days after the date an initiative or referendum petition is certified as sufficient, the city council shall either (1) adopt a proposed initiative ordinance without any change in substance, or (2) repeal a referred ordinance, or (3) call an election on the proposed or referred ordinance according to subsection (b).

(b) Election on proposed or referred ordinance: An election shall be held at the next uniform election date in accordance with state law but not earlier than 30 days after the date the council calls the election. If a regular city election falls within the specified period, the ordinance election shall be included on the ballot. Copies of the proposed or referred ordinance shall be available at the polls. Special elections for initiated or referred ordinances shall not be held more often than once each six months. Further, if an initiated ordinance is rejected or a referred ordinance is sustained in an election, no ordinance that is substantially the same may be the subject of an initiative or referendum petition within two years from the date of that election.

(c) Publication of proposed or referred ordinance: The city secretary shall publish the proposed or referred ordinance on the city's official website or other electronic media that is readily accessible to the public for the fifteen days preceding the election. The caption of the proposed or referred ordinance shall also be posted at city hall for at least fifteen days preceding the election, and copies shall be available at city hall upon request.

(d) Petition withdrawn: The petitioners' committee may withdraw an initiative or referendum petition at any time before a final determination that it is sufficient by filing a request to withdraw with the city secretary. The request shall be signed by at least four members of the petitioners' committee. When a request is filed, the petition shall have no further force or effect and all related proceedings shall be terminated.

Section 7.07. Election Results.

(a) Initiative: If a majority of votes cast are in favor of a proposed ordinance, it shall be considered adopted and shall be effective from the date the election results are certified just as if it had been adopted by the city council. If conflicting ordinances are approved at the same election, both ordinances shall be given effect to the extent possible; however, the ordinance receiving the greatest number of affirmative votes shall prevail to the extent of the conflict.

(b) Repeal or amendment of initiated ordinance: An ordinance adopted by initiative shall not be repealed or amended for two years after its effective date.

(c) Referendum: If a majority of votes cast are against the referred ordinance, it shall be considered repealed, and the repeal shall be effective from the date election results are certified. If a majority of votes cast are in favor of the referred ordinance, it shall remain in effect and the referendum petition shall become void.

(d) Readoption of referred ordinance: An ordinance repealed by referendum shall not be re-enacted for two years from its repeal.

ARTICLE VIII BOARDS AND COMMISSIONS

Section 8.01. Boards and Commissions in General.

In addition to the boards and commissions established by this charter, the city council by ordinance may establish any boards and commissions it deems necessary for the conduct of city business and the management of municipal affairs. The functions, authority, and responsibilities of such boards and commissions shall be set out in the ordinances establishing them. All boards and commissions in existence at the time this charter is adopted shall continue according to the ordinances or other acts under which they were created, except as otherwise provided in this charter, until the city council abolishes, modifies, or alters the ordinances or acts under which they exist. Notwithstanding any other provision of this charter, the city council retains full authority over the budget, appropriation of funds, expenditures, purchase and sale of property, and accounting procedures for all boards and commission, consistent with this charter and the State constitution and laws.

Section 8.02. Membership Qualifications.

Except as otherwise provided in this charter, each candidate for appointment as a member of a board or 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. Board or 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 council, members shall maintain the qualifications established by this section while in office.

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.

Section 8.04. Term Limits.

Members of a board or commission shall be limited to three consecutive full terms in office. A person who has served three consecutive full terms as a board or commission member may not again hold the same office until at least one term out of office has passed.

Section 8.05. Vacancies.

Board or commission members shall actively participate in the commission's activities, and any member who is absent for three consecutive meetings without valid excuse, as determined by the board or commission, shall automatically be dismissed from membership. The membership shall at once notify the council that a vacancy exists. Any vacancy on the board or commission, for any reason, shall be filled for the unexpired term by council appointment within thirty days of the vacancy.

Section 8.06. Officers.

Each board or commission must annually elect a chairman and a vice-chairman and may elect a secretary.

Section 8.07. Texas Open Meetings Act.

The City of Pflugerville shall conduct all its meetings in accordance with the Texas Open Meetings Act.

Section 8.08. Planning Commission.

(a) Composition and term: The city council shall appoint a planning and zoning commission of seven members who shall be appointed to two-year terms and shall serve until their successors are appointed and qualified.

(b) Rules of procedure: The commission shall establish its own rules of procedure, which shall require that a quorum consists of at least four members of the commission and that an affirmative vote of a majority of those present shall be necessary to act on pending questions. The chairman shall be permitted to vote on any question.

(c) Powers and duties: The commission shall exercise the following powers:

1. Make, amend, extend, and add to the comprehensive plan for the physical development of the city and recommend the comprehensive plan to the city council for approval.
2. Approve or disapprove plats of proposed subdivisions submitted to the city. In considering plats, the commission shall require the proposed subdivision to meet, so far as is practicable, all the standards of layout and street and sidewalk construction applicable to comparable property within the city's corporate limits.

Further, it shall require restriction on the use of the property consistent with the restrictions on comparable property within the city's corporate limits.

3. Draft rules and regulations governing platting and subdividing of land that are consistent with the state constitution and laws and recommend them to the city council for adoption.
4. Annually recommend an annexation plan to the city council.
5. Annually submit a five-year capital improvements plan to the city council and city manager, at least one hundred twenty days before the beginning of the budget year. The plan must list projects in order of preference with a recommendation for the year of construction for each project.
6. Meet at least once each month.
7. Perform other duties and be vested with other powers as the city council shall from time to time prescribe.

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

Section 8.09. Board of Adjustment.

(a) Composition and term: . The city council shall appoint a board of adjustment consisting of five regular members and four alternate members to serve two-year terms. Alternate members may participate in meetings and vote on matters in the absence of regular members when requested to do so by the city manager or city manager's designee. The city council may remove a member for cause set out in a written charge and as determined by the council after a public hearing on the charges

(b) Rules of procedure: The presiding officer shall call meetings at least quarterly and may administer oaths to witnesses and compel attendance of witnesses. Cases shall be heard in open meeting by at least four members and not more than five members. The minutes of meetings shall be public records of the board's examinations, official actions, and other proceedings and shall reflect each member's vote, absence, or failure to vote on each question.

(c) Powers: . The board of adjustment shall exercise the following authority:

1. Hear and decide an appeal that alleges error in an order, requirement, decision, or determination made by an administrative official in enforcing zoning laws or ordinances.
2. Hear and decide special exceptions to terms of zoning ordinances when the ordinance so requires, provided that exceptions granted shall be consistent with the general purpose and intent of the ordinance and in accordance with any applicable rules contained in the ordinance.
3. In specific cases, authorize a variance from the terms of a zoning ordinance, provided that the variance is not contrary to the public interest and that, due to special conditions, literal enforcement of the ordinance would result in unnecessary hardship. In authorizing variances, the board shall ensure that the spirit of the ordinance is observed and substantial justice is done.
4. Hear and decide other matters authorized by city zoning ordinances.

(d) Appeals procedure: Appeals to the board of adjustment shall be conducted in accordance with the requirements of § 211.010, Local Government Code.

(e) Board determination: The board may reverse or affirm, wholly or in part, or may modify the order or decision that is the subject of an appeal under subsection (c)(1). The concurring vote of at least four members is necessary to: reverse an order, requirement, decision, or determination of an administrative official; decide in favor of an applicant on a matter which the board is required to pass under the zoning ordinance; or authorize a variation from the term of the zoning ordinance.

(f) Judicial review: Any person dissatisfied with the board of adjustment's decision on an appeal may petition a court of record for further action in accordance with the requirements of § 211.011, Local Government Code.

Section 8.10. Parks and Recreation Commission.

(a) Composition and term: The city council shall appoint a parks and recreation commission consisting of six members to serve two-year terms and one high school student member to serve a one-year term. The student member shall not be required to be a registered voter. The city council shall also appoint an alternate member who may vote if a regular member is absent.

(b) Rules of procedure: The commission shall establish rules of procedure consistent with city ordinances, resolutions, and regulations. The commission shall meet at least monthly, and absence from three consecutive meetings without valid excuse, as determined by the commission, shall result in automatic removal from office.

(c) Powers and duties: The commission shall exercise the following powers:

1. Annually submit a five-year comprehensive park plan to the city council and city manager, at least one hundred twenty days before the beginning of the budget year. The plan must list projects in order of preference with a recommendation for the year of construction for each project.
2. Make recommendations to the city council and city manager concerning the management, maintenance, use or improvement of all parks and public recreational facilities owned or controlled by the city.
3. Make recommendations to the city council and city manager concerning taking and holding any real property that may be needed for carrying out the commission's purposes by purchase, devise, bequest, or otherwise and instituting condemnation proceedings for parks and recreation purposes whenever it determines that private property should be taken in the name of the city.
4. Make recommendations to the city council and city manager concerning receipt of donations, legacies, or bequests for the improvement or maintenance of public parks or for the acquisition of new parks.
5. Any other matters designated by city ordinance.

Section 8.11. Library Board.

(a) Composition and term: The city council shall appoint a library board consisting of seven regular members, to serve two-year terms, and one alternate member, to serve a one-year term. The alternate member may vote if a regular member is absent. Liaisons to the board will include the President of the Friends of the Pflugerville Community Library, the Director of the Library and a student from a high school in the Pflugerville Independent School District. Liaisons may advise the board but may not vote on any matter.

(b) Rules of procedure: The commission shall establish rules of procedure consistent with city ordinances, resolutions, and regulations. The commission shall meet at least monthly, and

absence from three consecutive meetings without valid excuse, as determined by the commission, shall result in automatic removal from office.

(c) Powers and duties: The commission shall exercise the following powers:

1. By January 31st of each year, review, update and submit a five-year comprehensive library plan to the city council and city manager. The plan must list projects in order of preference with a recommendation for the year of construction for each project.
2. Make recommendations periodically to the city council and city manager concerning matters of library procedure and policy.
3. Make recommendations to the city council and city manager concerning promotion of the library's programs and services in the greater Pflugerville community.
4. Make recommendations to the city council and city manager concerning grants and fund-raising activities.
5. Any other matters designated by city ordinance.

ARTICLE IX BUDGET AND FINANCIAL ADMINISTRATION

Section 9.01. Fiscal Year.

The fiscal year of the city shall begin on the first day of October and end on the last day of September.

Section 9.02. Public Record.

The budget shall be a public record and copies shall be made available to the public upon request.

Section 9.03. Annual Budget.

Content: The budget shall provide a complete financial plan of all city funds and activities and, except as required by law or this charter, shall be in a form that the manager deems desirable or that the council may require. A budget message explaining the budget both in fiscal terms and in terms of city programs shall be submitted with the budget. The budget message shall (1) outline the proposed financial policies of the city for the coming fiscal year, (2) describe the important features of the budget, (3) indicate any major changes from the current year in financial policies, expenditures, and revenues, with reasons for such changes, (4) summarize the city's debt position, and (5) include other material as the manager deems necessary or desirable.

The budget shall begin with a clear general summary of its contents and shall show in detail all estimated income, based on the proposed property tax levy and all proposed expenditures, including debt service, for the coming fiscal year. The proposed budget expenditures shall not exceed the total of estimated income and any fund balances available from prior years. For every budget adopted after the 1997-1998 fiscal year budget, except in the event of an emergency under Section 9.04(b), the adopted budget must include an unencumbered general fund balance that is at least sufficient to cover three months of the city's budgeted general fund operation and maintenance expenses. This fund balance may be used for emergency appropriations in accordance with Section 9.04(b). The budget shall be arranged to show comparative figures for the current fiscal year's actual and estimated income and expenditures, the preceding fiscal year's actual income and expenditures, and the estimate of income and expenditures for the budgeted year. It shall include in separate sections:

- (a) An itemized, estimate of the expense of conducting each department, division, and office.
2. Reasons for proposed increases or decreases in specific expenditures, compared with the current fiscal year.
 3. A separate schedule for each department, indicating tasks to be accomplished by the department during the year, and additional desirable tasks to be accomplished if possible.
 4. A statement of the total probable income of the city from taxes for the period covered by the estimate.
 5. Tax levies, rates, and collections for the preceding five years.
 6. All anticipated revenue from itemized sources other than the tax levy.
 7. The amount required for interest on the city's debts, for the sinking fund, and for maturing serial bonds.
 8. The total principal amount of outstanding city debts, with a consolidated schedule of debt service requirements.
 9. Anticipated net surplus or deficit for the coming fiscal year of each utility owned or operated by the city and the proposed method of its disposition. Subsidiary budgets for each utility, with detailed income and expenditure information shall be attached as appendices to the budget.
 10. A capital program, which may be revised and extended each year to indicate capital improvements pending or in process of construction or acquisition, that includes the following items:
 - a. a summary of proposed programs;
 - b. a list of all capital improvements proposed to be undertaken during the next five fiscal years, with appropriate supporting information regarding the necessity for the improvements, including the five-year plan related to that particular type of capital improvement;
 - c. cost estimates, methods of financing, and recommended time schedules for each improvement; and
 - d. the estimated annual cost of operating and maintaining the facilities to be constructed or acquired.
 11. Other information required by the council.

(b) Submission: On or before the first day of July of each year, the manager shall submit to the council a proposed budget and an accompanying message. The council shall review the proposed budget and revise it as the council deems appropriate prior to general circulation for public hearing.

(c) Public notice and hearing: The council shall post in the city hall and on the city's official website or other electronic media that is readily accessible to the public a general summary of the proposed budget and a notice stating the times and places where copies of the message and budget are available for inspection by the public and the time and place for a public hearing on the budget. The public hearing must be held not fewer than ten or more than thirty days after publication of the notice.

(d) Amendment before adoption: After the public hearing, the council may adopt the budget with or without amendment. In amending the budget, it may add or increase programs or amounts and may delete or decrease any programs or amounts, except expenditures required by law or for debt service or for estimated cash deficit; however, no budget amendment shall increase the authorized expenditures to an amount greater than the total of estimated income, plus funds available from prior years.

(e) Adoption: The council shall adopt its annual budget by ordinance, on one reading, by the fifteenth day of September, or as soon thereafter as practical. Adoption of the budget shall require an affirmative vote of at least a majority of all members of the council. Adoption of the budget shall constitute appropriations of the amounts specified as expenditures from the funds indicated.

Section 9.04. Amendments After Adoption.

(a) Supplemental appropriations: If, during the fiscal year, the manager certifies that there are revenues available for appropriation in excess of those estimated in the budget, the council by ordinance may make supplemental appropriations for the year up to the amount of the excess.

(b) Emergency appropriations: To meet a public emergency created by a natural disaster or man-made calamity affecting life, health, property, or the public peace, the council may make emergency appropriations by emergency ordinance in accordance with the provisions of this charter. If there are no available unappropriated revenues or general fund balances to meet such appropriations, the council may by emergency ordinance authorize the issuance of renewable emergency notes sufficient to fund the appropriation. The three-month general fund operating reserve requirement may be suspended by a resolution approved by Council. The resolution should reference the extenuating/emergency situation that created the expending of reserves below the three-month level; and, should also provide a proposed process and timeline for rebuilding the three-month reserve.

(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, and his 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.

(d) Transfer of appropriations: At any time during the fiscal year the manager may transfer part or all of any unencumbered appropriation balance among programs within a department, division, or office. Upon written request by the manager, the council by ordinance may transfer part or all of any unencumbered appropriation balance from one department, office, or agency to another.

(e) Limitations: No appropriation for debt service may be reduced or transferred. No appropriation may be reduced below any amount required by law to be appropriated or by more than the amount of the unencumbered balance.

(f) Effective date: Supplemental and emergency appropriations and reduction or transfer of appropriations authorized by this section may be made effective immediately upon adoption of the enacting ordinance.

Section 9.05. Borrowing.

(a) Borrowing: The city shall have the power, except as prohibited by law, to borrow money by whatever method the council deems to be in the public interest.

(b) General obligation bonds: The city shall have the power to borrow money on the credit of the city and to issue general obligation bonds for permanent public improvements or for any other public purpose not prohibited by the constitution and laws of the State of Texas, and to issue refunding bonds to refund outstanding bonds of the city previously issued. All bonds shall be issued in conformity with the laws of the State of Texas.

(c) Revenue bonds: The city shall have the power to borrow money for the purpose of constructing, purchasing, improving, extending, or repairing public utilities, recreational facilities, or any other self-liquidating municipal function not prohibited by the constitution and laws of the State of Texas, and to issue revenue bonds to evidence the obligation. Revenue bonds shall be a charge upon and payable from the properties, or interest pledged in the bonds, or the income from the bonds, or both. Holders of the revenue bonds shall never have the right to demand payment out of monies raised or to be raised by taxation. All revenue bonds shall be issued in conformity with the laws of the State of Texas.

(d) Bonds incontestable: All bonds of the city, after they have been issued, sold, and delivered to the purchaser, shall be incontestable. All bonds issued to refund in exchange for outstanding bonds previously issued shall, after the exchange, be incontestable.

(e) Election to authorize bonds: Bonds payable from ad valorem taxes, other than refunding bonds, shall not be issued unless the bonds have been authorized by majority vote at an election held for that purpose.

(f) Ordinance authorizing borrowing: A copy of the proposed ordinance shall be furnished to each member of the city council, to the city attorney, and to any citizen, upon request to the city secretary, at least seven days before the date of the meeting at which the ordinance is to be considered. Any ordinance pertaining to borrowing may be adopted and finally passed at the meeting at which it is introduced.

(g) Public hearing before ordinance authorizing borrowing is adopted: The city council must hold a public hearing before adopting an ordinance authorizing borrowing money. The city must publish notice of the public hearing at least one week before the public hearing unless a public emergency exists that requires immediate action by the city council.

Section 9.06. Lapse of Appropriations.

Every unexpended or unencumbered appropriation, except an appropriation for a capital expenditure, shall lapse at the close of the fiscal year. An appropriation for a capital expenditure shall continue in force until the purpose for which it was made has been accomplished or abandoned. The purpose of any appropriation shall be deemed abandoned if three years pass without any disbursement from or encumbrance of the appropriation.

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 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.

(b) Financial reports: The city manager shall submit a report each month that describes the financial condition of the city by budget item, and shows budgeted and actual income and expenditures for the preceding month and the fiscal year to date. The financial records of the city will be maintained on a basis consistent with generally accepted accounting procedures.

(c) Independent audit: At the close of each fiscal year, and at any other times deemed necessary, the council shall call for an independent audit of all city accounts to be conducted by a certified public accountant. The certified public accountant selected shall have no personal interest, direct or indirect, in the city's financial affairs, or in any of its officers and, in any event, the same certified public accountant shall not perform the city's audit for more than five consecutive years. The audit shall contain all information required by any covenants contained in any bond ordinance of the city. Upon completion of the audit, and presentation of the auditor's report to the city council, the summary of the audit results shall be made available in the city secretary's office as a public record, and a copy of the audit shall also be forwarded to each of the two primary bond rating agencies, as determined by the city's financial advisor, at their principal offices.

Section 9.08. Taxation.

The city council shall annually establish the annual rate of taxation of the city, and city taxes shall be levied and collected on all property taxable by the city which is not exempt from taxation under the State constitution or State law. The council shall adopt a tax levy ordinance, on one reading, by the 15th day of September of each year, or as soon after the certification of the appraisal rolls of the city as practical. Failure of the council to enact a tax levy ordinance for a particular year shall not invalidate the collection of taxes for that year and, in such event, the tax levy ordinance last enacted shall remain in effect until the next tax levy ordinance is adopted by the council.

Section 9.09. Sales and Purchasing.

All sales of city property, purchases made and contracts executed by the city shall be made in accordance with the requirements of the constitution and laws of the State of Texas.

ARTICLE X FRANCHISES AND PUBLIC UTILITIES

Section 10.01. Limits on Transfer of Use of Public Property.

The right of control or use of city public property can be transferred only by ordinance. No act or omission by the city council or by any officer or agent of the city shall be construed to grant, renew, extend, or amend any right, franchise, or easement affecting city public property, except in accordance with this charter.

Section 10.02. Granting Franchises.

The city council may grant, renew, or extend franchises of public utilities operating in the city. Franchises may be amended by the council, with the agreement of the franchise holder. All franchises shall be for a definite term of not more than twenty years.

Section 10.03. Enacting Franchise Ordinances.

An ordinance granting, renewing, extending, or amending a public utility franchise shall be read at three consecutive regular city council meetings. Final action shall not occur until at least twenty-eight days after first reading. Within ten days after first reading of the ordinance, the caption of the ordinance and a statement indicating where and how to obtain copies of the full ordinance shall be published on the city's official website or other electronic media that is readily accessible to the public.

Section 10.04. Limit on Transferring Franchise.

Any transfer or assignment of a public or private utility franchise shall not be effective until approved by ordinance of the city council.

Section 10.05. Regulating Franchises.

The city council has the right to regulate the grant, renewal, extension, or amendment of public utility franchises in the following manner, regardless of whether the ordinance granting the franchise provides for it:

1. Forfeiting the franchise by ordinance for failure of the franchise holder to comply with the terms of the franchise. Before exercising this right, the council shall provide written notice to the franchise holder stating how the holder has failed to comply and shall set a reasonable time for correcting the failure. Forfeiture will occur only after a hearing and expiration of a reasonable time for correction.
2. Imposing reasonable regulation to ensure safe, efficient, and continuous service to the public.
3. Requiring expansion, enlargement, and improvement of plant and facilities necessary to provide adequate service to the public.
4. Requiring franchise holders to furnish, at no cost to the city, full information regarding the location and precise description of all the holder's facilities in, over, or under the city and regulating and controlling the location, relocation, and removal of the facilities.
5. Collecting from public utilities in the city a proportionate part of increased city cost of operations and services attributable to the utility's occupancy or use of public property and required as a result of damage to or disturbance of public property caused by the utility and compelling the utility to make and bear the cost of repairs or other operations made necessary by the utility's occupancy or use of, or damage to or disturbance of, public or private property.
6. Requiring one franchise holder to allow other holders to use its facilities, if the city council considers that joint use is in the public interest. The owner may impose reasonable terms of joint use and be paid a reasonable rental by the other holders; however, the inability of franchise holders to agree on terms and rentals shall be an excuse for failure to comply with a joint use requirement.
7. Requiring franchise holders to keep records that accurately reflect the value of their own or other property used in rendering its service to the public and that reflect the franchise holder's expenses, receipts, and profits of all kinds.
8. Examining and auditing the franchise holder's accounts and other records.
9. Requiring reports on the utility's operations, in the form and containing the information directed by the city council.

Section 10.06. Nonexclusive Grants.

No grant, renewal, or extension of a franchise to construct, maintain, or operate a public utility shall be exclusive.

Section 10.07. Utility Regulation.

The city council may regulate the operation, services, rates, charges, and fares of public utilities operating in the city by ordinance and in accordance with state and federal law. Rates may only be adopted after reasonable notice and hearing.

ARTICLE XI GENERAL PROVISIONS

Section 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.

Section 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.

Section 11.03. Nepotism.

Except as permitted by Chapter 573, Government Code, 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.

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 race, color, religion, sex, national origin, age or disability.

Section 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.

Section 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.

Section 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.

Section 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.

Section 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.

Section 11.10. Charter Amendment.

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

Section 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.
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.

Section 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.

Section 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.

Section 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.

Section 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.