

ORDINANCE NO. 20120412-020

AN ORDINANCE ORDERING AN ELECTION TO BE HELD IN THE CITY OF AUSTIN ON NOVEMBER 6, 2012, FOR THE PURPOSE OF SUBMITTING A PROPOSED CHARTER AMENDMENT TO THE VOTERS.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

PART 1. A charter amendment election shall be held in the City on November 6, 2012 at which the ballot shall be prepared to permit voting "yes" or "no" on the following proposition:

Proposition ---

Shall the city charter be amended to permit the members of the city council and the city council's appointees to hire and manage their own staffs?

PART 2. If Proposition --- is approved by the majority of voters voting at the election, Article IX, § 1 of the Charter is amended to read as follows.

§ 1 CLASSIFIED PERSONNEL SERVICE.

There is hereby established a classified personnel service in which all appointments and promotions shall be made on the basis of merit and fitness. The classified service shall include all offices and employments in the city except the following: Members of the city council and the direct hires of individual council members; council appointees and direct hires of council appointees; the city clerk; the city manager and his or her assistants; the directors and assistant directors, as designated by the city manager, of departments; members of boards and commissions in the city's service; the judge and clerk of the municipal court; officers and employees of classes or departments within the civil service statutes of Texas.

PART 3. If Proposition --- is approved by the majority of voters voting at the election, Article IX, § 6 of the Charter is amended to read as follows:

§ 6 COUNCIL APPOINTEES.

(A) Notwithstanding any other provision of this charter:

- (1) Each member of the City Council may hire assistants and other office staff as may be necessary to carry out the duties and responsibilities of the city council, and as may be authorized by ordinance.
- (2) Each of the salaried city employees that this charter provides be appointed by the City Council shall hire and manage the appointee's own staff as may be authorized by ordinance;
- (3) The City Council may by ordinance provide for the adoption of personnel policies for the employees subject to this section.

(B) If an officer or employee who is appointed by the city council under this Charter, other than a judge of a municipal court, announces candidacy, or in fact becomes a candidate, in any general, special, or primary election, for any elective public office, the officer's or employee's announcement or candidacy is an automatic resignation of the office or employment.

PART 4. If Proposition --- is approved by the majority of voters voting at the election, Article II, § 9 of the Charter is amended to read as follows:

§ 9 CITY CLERK.

The council shall appoint the city clerk [~~and assistants,~~] who shall serve at the pleasure of the council. The city clerk shall keep the records of the council, and shall have such other duties and responsibilities as may be assigned by this Charter and the council.

PART 5. If Proposition --- is approved by the majority of voters voting at the election, Article V, § 6 of the Charter is amended to read as follows:

§ 6 CITY ATTORNEY.

There shall be a department of law, the head of which shall be the city attorney, who shall be appointed by the city manager. The city attorney shall be a competent attorney who shall have practiced law in the State of Texas for at least five (5) years immediately preceding his or her appointment. The city attorney shall be the legal advisor of, and attorney for, all of the officers and departments of the city, and he or she shall represent the city in all litigation and legal proceedings. He or she shall draft, approve, or file his or her written legal objections to, every ordinance before it is acted upon by the council, and he or she shall pass upon all documents, contracts and legal instruments in which the city may have an interest.

There shall be such assistant city attorneys as may be authorized by the council
[and appointed by the city manager,] who shall be authorized to act for and on behalf of
the city attorney.

PART 6. This ordinance takes effect on April 23, 2012.

PASSED AND APPROVED

_____, April 12 _____, 2012

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§ _____
Lee Leffingwell
Mayor

APPROVED: _____
Karen M. Kennard
City Attorney

ATTEST: _____
Shirley A. Gentry
City Clerk