

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

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

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

11 Proposition ---

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

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

16 **§ 1 CLASSIFIED PERSONNEL SERVICE.**

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

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

28 **§ 6 COUNCIL APPOINTEES.**

29 (A) Notwithstanding any other provision of this charter:

- 30 (1) Each member of the City Council may hire assistants and other office  
31 staff as may be necessary to carry out the duties and responsibilities of  
32 the city council, and as may be authorized by ordinance.

1           (2) Each of the salaried city employees that this charter provides be  
2           appointed by the City Council shall hire and manage the appointee's  
3           own staff as may be authorized by ordinance;

4           (3) The City Council may by ordinance provide for the adoption of  
5           personnel policies for the employees subject to this section.

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

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

13       **§ 9    CITY CLERK.**

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

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

20       **§ 6    CITY ATTORNEY.**

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

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

33       **PART 6.** This ordinance takes effect on -----, 2012.

**PASSED AND APPROVED**

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\_\_\_\_\_, 2012

\_\_\_\_\_  
Lee Leffingwell  
Mayor

**APPROVED:** \_\_\_\_\_

Karen Kennard  
City Attorney

**ATTEST:** \_\_\_\_\_

Shirley A. Gentry  
City Clerk