

# 2018 CHARTER AMENDMENT SUMMARY

On May 5th voters will be asked to vote on Propositions B - V which, if approved, would amend the City of Cedar Park City Charter. **Here is a summary of each proposition.**

## PROPOSITION B

### VACANCIES

Amend Section 3.06 of the City Charter to require, within 90 days of approval of this proposition, Council's adoption of a procedure for appointments to Council with a "freeze" provision voiding any procedural amendments adopted within the 90 days immediately preceding the vacancy.

- FOR
- AGAINST

### Explanation of Prop B:

The City Charter authorizes the Council to fill vacancies by appointment, but currently there is no formal procedure for appointment. This amendment would require the Council, within 90 days, to adopt an appointment procedure with a "freeze" provision to void any procedural change that was approved within the 90 days preceding a vacancy.

## PROPOSITION C

### VACANCIES

Amend Section 3.06 of the City Charter to disqualify an appointee from candidacy for any place on the City Council for the next general or special election following their appointment.

- FOR
- AGAINST

### Explanation of Prop C:

This amendment would prohibit any person appointed to a vacancy on the Council from being a candidate in the next general or special election.

## PROPOSITION D

### PROHIBITIONS: INTERFERENCE WITH ADMINISTRATION

Amend Section 3.08 of the City Charter to clarify the prohibition against interference with administration regarding appointment and removal of City staff (excepting the City Manager and City Attorney).

- FOR
- AGAINST

### Explanation of Prop D:

The City Charter provides for the Council-Manager form of government, generally making the Council responsible for policy and the City Manager responsible for administration. This amendment would clarify the prohibition against Council interference with administration regarding appointment and removal of City staff, excepting the City Manager and City Attorney.

## PROPOSITION E

### PROHIBITIONS: ATTORNEY-CLIENT PRIVILEGE

Amend Section 3.08 of the City Charter to expressly prohibit any member of the City Council from disclosing attorney-client privileged information without an affirmative vote of two-thirds of the City Council.

- FOR
- AGAINST

### Explanation of Prop E:

The attorney-client privilege protects certain communications regarding legal matters. The privilege protects the City as an entity, and only the City may waive the privilege. This amendment would expressly prohibit any Councilmember from disclosing privileged information without an affirmative two-thirds vote of the Council.

**PROPOSITION F**  
**BONDS FOR CITY EMPLOYEES**

Delete Section 3.15 of the City Charter because this risk is covered by the City's existing errors and omissions and public employee dishonesty insurance policies, and bonded employees exempted from coverage.

- FOR**
- AGAINST**

**Explanation of Prop F:**

The City Charter currently requires bonds for all employees who receive or pay out any monies of the City. This risk is covered by the City's existing errors and omissions and public employee dishonesty insurance policies, and bonded employees are exempted from coverage. This amendment proposes to delete this requirement and avoid duplicative expenses.

**PROPOSITION G**  
**CITY SECRETARY**

Amend Section 4.04 of the City Charter to clarify direction of the City Secretary by the City Manager instead of City Council.

- FOR**
- AGAINST**

**Explanation of Prop G:**

This amendment would clarify that the City Secretary is directed by the City Manager, not the City Council.

**PROPOSITION H**  
**PUBLIC SAFETY**

Amend Section 4.05 of the City Charter regarding the Police Department to contemplate Public Safety, generally, to include one or more departments (for example, police department, fire department).

- FOR**
- AGAINST**

**Explanation of Prop H:**

The City Charter currently provides only for a police department. This proposed amendment would provide for one or more departments of public safety, generally, which may include police, fire, and/or other operations.

**PROPOSITION I**  
**ELIGIBILITY: RESIDENCY**

Amend Section 5.02 of the City Charter to require 12 months of continuous residency immediately preceding the date of the election in accordance with State law.

- FOR**
- AGAINST**

**Explanation of Prop I:**

The City Charter currently requires 12 months of continuous residency immediately preceding the filing deadline, but State law restricts this period to the 12 months preceding the date of the election. This amendment would revise this provision in compliance with State law.

**PROPOSITION J**  
**ELIGIBILITY: CITY EMPLOYEES**

Amend Section 5.02 of the City Charter to delete the provision prohibiting employees from candidacy per State law.

- FOR**
- AGAINST**

**Explanation of Prop J:**

The City Charter currently prohibits employees from candidacy for public office. Per State law, the City may not prohibit employees from running for office. This amendment would delete this provision in compliance with State law.

## PROPOSITION K

### ELIGIBILITY: RESIGNATION UPON CANDIDACY FOR OTHER OFFICE

Amend Section 5.02 of the City Charter to require a Councilmember's resignation upon their filing for any other elective office except City Council.

- FOR  
 AGAINST

### Explanation of Prop K:

The City Charter currently requires resignation by a Councilmember filing for Mayor by the 45th day prior to the election. This amendment would require a Councilmember's resignation upon filing for any other elective office except the City Council.

## PROPOSITION L PETITIONS

Amend Section 6.04 of the City Charter to delete the provision requiring the City Secretary's voiding of signatures as recommended by the Texas Secretary of State.

- FOR  
 AGAINST

### Explanation of Prop L:

The City Charter currently requires the City Secretary to identify on initiative or referendum petitions "the names of signers found not qualified." Based on State law and advice of the Secretary of State, the City Secretary is not positioned to verify signatures that are not executed in their presence and should therefore refrain from disqualifying any signers/signatures. Instead, the City Secretary should merely certify whether the petition presents the requisite number of signatures. This amendment would delete the provision requiring the City Secretary's disqualification of signers/signatures on initiative or referendum petitions.

## PROPOSITION M ZONING AUTHORITY

Amend Sections 7.01 and 7.02 to require the City Council's adoption of Comprehensive Plan and provide zoning authority per State law.

- FOR  
 AGAINST

### Explanation of Prop M:

State law authorizes a municipality to adopt a comprehensive plan to guide long-range development. If a city adopts a comprehensive plan, all zoning decisions must comply with the adopted comprehensive plan. The City has maintained a comprehensive plan since 1998, with the most recent version being adopted in 2014. This amendment would require the City's adoption of a comprehensive plan, and per State law, require zoning in compliance with the adopted comprehensive plan.

## PROPOSITION N PLANNING AND ZONING COMMISSION

Amend Sections 7.03 and 7.04 of the City Charter to delete redundancies in State law and/or the Cedar Park Code of Ordinances.

- FOR  
 AGAINST

### Explanation of Prop N:

State law substantially prescribes the composition, authority, and procedure for the Planning & Zoning Commission. In many respects, these provisions are needlessly re-stated in both the Charter and Code of Ordinances. This amendment would delete redundancies between State law, the Charter, and the Code of Ordinances.

## PROPOSITION O

### ZONING BOARD OF ADJUSTMENT

Amend Sections 7.05 and 7.06 of the City Charter to delete redundancies in State law and/or the Cedar Park Code of Ordinances.

- FOR**  
 **AGAINST**

### Explanation of Prop O:

State law substantially prescribes the composition, authority, and procedure for the Zoning Board of Adjustment. In many respects, these provisions are needlessly re-stated in both the Charter and Code of Ordinances. This amendment would delete redundancies between State law, the Charter, and the Code of **Ordinances**.

## PROPOSITION P

### POWER TO TAX

Amend Section 9.01 to clarify the authority and responsibilities of the City, Council, and staff.

- FOR**  
 **AGAINST**

### Explanation of Prop P:

This amendment would clarify that the City is authorized to tax property within its jurisdiction, the Council adopts the tax rate, and the Director of Finance coordinates with the Williamson and Travis County Tax Assessors-Collectors on assessment and collection of property taxes for all properties.

## PROPOSITION Q

### TAX ADMINISTRATION

Amend Sections 9.02 through 9.04 of the City Charter to clarify the role of the county Tax Assessor/Collector in the assessment and levy of property taxes in accordance with State law.

- FOR**  
 **AGAINST**

### Explanation of Prop Q:

This amendment would clarify that the Williamson and Travis County Tax Assessors-Collectors are responsible for property tax appraisals, assessments, and collections, as provided by State law.

## PROPOSITION R

### TAX ADMINISTRATION

Amend Sections 9.05 through 9.07 of the City Charter to delete provisions regarding payment and collection of property taxes in deference to State law.

- FOR**  
 **AGAINST**

### Explanation of Prop R:

This amendment would delete provisions regarding payment and collection of property taxes, as the authority, process, deadlines, and penalties are clearly stated in State law.

## PROPOSITION S

### TAX ADMINISTRATION

Delete Section 9.08 of the City Charter in deference to State law providing for preemption of any Charter provision that conflicts with State law.

- FOR**  
 **AGAINST**

### Explanation of Prop S:

Per State law, local charter provisions are void to the extent of conflict with State law. This current provision simply re-states State law. This amendment would delete this redundant re-statement of State law.

## PROPOSITION T

### PUBLIC RECORDS

Amend Section 11.02 of the City Charter in deference to State law requiring maintenance and access to public records via the Public Information Act.

- FOR
- AGAINST

### Explanation of Prop T:

This amendment would clarify access to public information (records) pursuant to the Texas Public Information Act.

## PROPOSITION U

### CONSTRUCTION OF CHARTER

Amend Section 11.17 of the City Charter to expressly follow State law and provide that all State law references shall be construed to include the governing provisions as now and hereafter amended.

- FOR
- AGAINST

### Explanation of Prop U:

This amendment would clarify that Charter provisions are to be construed in compliance with State law, including any future State law amendments.

## PROPOSITION V

### GENDER NEUTRALITY

Amend the City Charter throughout to replace gender-specific pronouns with gender-neutral pronouns.

- FOR
- AGAINST

### Explanation of Prop V:

This amendment would replace all gender-specific pronouns (such as he/she, his/hers, etc.) with gender-neutral pronouns (such as they, their, theirs, etc.).

For more information on the  
May 5th, 2018 election, visit:  
[CedarParkTexas.gov/election](http://CedarParkTexas.gov/election)