

This is a preliminary draft. It will change. It does not yet reflect council consideration of public comments received to date.

ORDINANCE NO.

AN ORDINANCE AMENDING CHAPTER 2-5 OF THE CITY CODE BY ADDING A NEW ARTICLE FIVE RELATING TO COUNCIL COMMITTEES, PROVIDING DUTIES AND PROCEDURES FOR THE COMMITTEES, MAKING CONFORMING AMENDMENTS TO OTHER PARTS OF THE CODE, AND AMENDING PARTS OF ARTICLE 2 OF CHAPTER 2-5 RELATING TO THE COUNCIL'S AGENDA AND MEETING PROCEDURES.

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

PART 2. City Code Chapter 2-5 (*Procedures for City Council Meetings*) is amended by adding a new Article 5 to read:

ARTICLE 5. COUNCIL COMMITTEES

§ 2-5-101 Applicability.

- (A) This article applies to standing committees of the council that are created by this article.
- (B) The council may by resolution create temporary task forces of council members, or of council members and other persons, that are not subject to this article.

§ 2-5-102 Membership of Council Committees.

- (A) Except as otherwise provided, each committee of the council consists of four council members appointed by the mayor in consultation with the council.
- (B) For each committee the mayor in consultation with the council shall designate a chair and a vice chair.
- (C) The term of a committee member is one year beginning on the date the committee appointments are ratified by the council.
- (D) The mayor's appointment of the membership of a committee, including the mayor's designation of a chair and vice chair, is not effective until it is ratified by the council as provided by this subsection.

1 (1) The council may only ratify the appointments of members, including the
2 designations of officers, made to all of the council committees as a whole.
3 The council may not individually ratify or object to:

4 (a) the appointment of an individual council member to a committee;

5 (b) the designation of an individual council member as a committee
6 officer; or

7 (c) the membership of a particular committee.

8 (2) If a motion to ratify the mayor's appointment of the membership of all the
9 council committees fails, the mayor must appoint a new set of members and
10 officers for the committees and submit the new appointments to the council
11 for ratification. The new set of members need not be completely different
12 from the set that council did not ratify.

13 (E) If a vacancy occurs on a committee, the mayor shall appoint a council member to
14 fill the vacancy for the remainder of the unexpired term. An appointment under
15 this Subsection does not require council ratification.

16 (F) Each appointment under this section must be in writing and filed with the city
17 clerk. If an appointment requires council ratification, council must ratify the
18 appointment in a written resolution.

19 **§ 2-5-103 Council Committees Created; Subject Matter of Each Committee.**

20 (A) It is the intent of the council that the listing of subjects assigned to council
21 committees be construed broadly and be illustrative, so that every policy matter
22 before the City has a council committee that may review the matter.

23 (B) Council creates the following standing committees:

24 (1) The Audit Committee may review audit reports, matters related to the city
25 auditor, bonds oversight, purchasing and contract audits, and related
26 matters. The Audit Committee shall also have oversight of the City's
27 boards and commissions.

28 (2) The Finance Committee may review financial policy, government
29 performance, bonds and City debt, bond-funded programs, retirement
30 systems, employee benefits, banking and investment policies, performance
31 metrics and reporting, budget matters, affordability, and related matters.

32 (3) The Mobility Committee may review all transportation modes including,
33 roads, aviation, public transit, pedestrian programs, bicycle programs,

1 ground transportation, taxicab regulation, Lone Star Rail, high speed rail,
2 core transit corridors, and related matters.

3 (4) The Public Utilities Committee may review issues related to the City's
4 water, and drainage utilities, solid waste and recycling matters,
5 telecommunication regulatory issues, and related matters.

6 (5) The Austin Energy Utility Oversight Committee may review issues related
7 to the City's electric utility. The Austin Energy Oversight Committee is a
8 committee of the whole council. Six members of the committee are a
9 quorum, and six favorable votes are necessary for the committee to take
10 action. The committee may create subcommittees, including a
11 subcommittee to address Austin Energy's business model.

12 (6) The Health & Human Services Committee may review social services,
13 education, public health, health care services, animal welfare, sustainable
14 food, social equity, veterans' affairs, populations at risk, and related
15 matters.

16 (7) The Public Safety Committee may review criminal justice, code
17 enforcement, disaster preparedness, fire, police, emergency medical
18 services, municipal court, judicial appointments, and related matters.

19 (8) The Planning and Neighborhoods Committee may review the City's
20 comprehensive plan, the land development code, development processes,
21 neighborhood planning, noise, zoning, annexations, eminent domain,
22 landmark review, design, and related matters.

23 (9) The Open Space, Environment, and Sustainability Committee may review
24 environmental matters, climate protection, climate change, forestry,
25 waterfront, heritage trees, open space, parks, rivers and lakes, aquifers,
26 water quality, trash, recycling and compost, sustainability, and related
27 matters.

28 (10) The Housing and Community Development Committee may review
29 housing, community development block grants, and related matters.

30 (11) The Economic Opportunity Committee may review job creation and
31 training, small and minority business development, economic incentives,
32 improvement districts, economic development corporations, trade and
33 commerce, minority and women owned business contracting policies, and
34 related matters.

35 (12) The Technology, Innovation, and Creative Industries Committee may
36 review emerging technology, tourism, events, entertainment, live music,

1 film and television production, sports, library, culture, art, and related
2 matters.

3 (13) The Intergovernmental Affairs Committee may review the City's legislative
4 program, federal, state, and local intergovernmental affairs, interlocal
5 agreements, joint programs and committees with other governments, and
6 related matters.

7 (C) Council committees may work jointly when the committees have overlapping
8 subject matter. Council committees shall work cooperatively with each other,
9 City departments, City boards, and bodies on which council members serve.

10 **§ 2-5-104 Staff Support.**

11 (A) The city manager and city clerk shall provide appropriate staff support to each
12 council committee.

13 (B) The city manager and city clerk shall each appoint a staff liaison for each
14 committee to assist the chair:

15 (1) organizing meeting times and places;

16 (2) preparing and posting the agenda;

17 (3) preparing the minutes and any other documents created by the committee;
18 and

19 (4) preparing data to be presented to the committee, including:

20 (a) public involvement and comment received to date;

21 (b) fiscal effects, including:

22 (i) capital requirements; and

23 (ii) ongoing operational expenses, such as, for example, staffing
24 requirements, for the current and future budget years;

25 (c) legal analysis; and

26 (d) any other information requested by a committee member.

27 (C) The city auditor shall provide staff support to the Council Audit Committee and
28 perform the duties required by Subsection (B). The city auditor shall provide
29 support to another council committee as requested by the chair.

30 **§ 2-5-105 Committee Meetings.**

- 1 (A) A meeting of a council committee must be posted and open to the public in the
2 same manner as a meeting of the full council for the committee to take action or
3 receive live public comment.
- 4 (B) Except as otherwise provided, three members of a committee are a quorum.
5 Three favorable votes are required for a committee to take action.
- 6 (C) A member of the council may attend a meeting of any committee and participate
7 in the deliberation, however only a member of the committee may vote and
8 contribute to the formation of a quorum for a committee meeting.
- 9 (D) The chair of a committee shall preside over each meeting, and, in consultation
10 with other committee members shall:
- 11 (1) set the time and place of each meeting of the committee;
- 12 (2) prepare the agenda for each meeting;
- 13 (3) prepare the minutes; and
- 14 (4) prepare any reports, resolutions, or other documents created by the
15 committee.
- 16 (E) The chair of a committee may allow the chair of a City board to participate in the
17 deliberation of an item.
- 18 (F) The vice chair of a committee shall perform the duties of the chair in the chair's
19 absence.

20 **§ 2-5-106 Committee Agendas.**

21 The chair may place an item on the committee's agenda, and shall place an item on the
22 committee's agenda:

- 23 (1) as assigned by the mayor under Section 2-5-26(D);
- 24 (2) at the request of the mayor;
- 25 (3) at the request of a member of the committee; and
- 26 (4) at the request of the city manager.

27 **§ 2-5-107 Citizen Participation.**

- 28 (A) A person who intends to testify at a committee meeting on an agenda item or at a
29 public hearing shall register on the signup system provided for the meeting.

- 1 (B) A person is not limited in the number of items on which the person may register
2 to testify.
- 3 (C) The chair should grant a person three minutes to address the committee unless the
4 committee rules otherwise.
- 5 (D) A person may donate the person's speaking time on an agenda item or at a public
6 hearing to another speaker if the person donating the time is present when the
7 speaker begins to address the committee.
- 8 (E) A speaker may not use the time of more than four other registered speakers on an
9 agenda item or at a public hearing.
- 10 (F) Except as required by state law, the committee may limit the number of speakers
11 or the length of testimony at the committee's discretion. If the committee limits
12 testimony under this subsection, the registration of each non-speaking person
13 shall be made part of the public hearing record.
- 14 (G) Except as provided in this section, the chair should not refuse permission to speak
15 to a person who has registered to speak, and who is present and ready to speak,
16 unless the hearing or consideration of the item for which the person has
17 registered to speak has been continued to a later meeting.
- 18 (H) If a hearing or item for which a person has registered is continued, a person who
19 has registered but has not spoken must re-register as a speaker at the subsequent
20 meeting during which the hearing or item is considered by the committee.

21 **§ 2-5-108 Committee Actions.**

- 22 (A) A committee's vote is only advisory to the full council.
- 23 (B) A committee may take one of the following actions on an agenda item that is
24 intended to be placed on a future council agenda:
- 25 (1) send the item to the council with a recommendation;
- 26 (2) send the item to the council without a recommendation;
- 27 (3) hold the item for further committee review;
- 28 (4) refer the item to a City board;
- 29 (5) refer the item to another council committee.

30 **PART 3.** Subsection (B) of City Code Section 2-5-25 (*Consent Agenda*) is amended to
31 read:

1 (B) The council may not adopt by consent an item:

- 2 (1) subject to a public hearing;
- 3 (2) posted on the agenda for consideration at a specific time;
- 4 (3) that a council member requests be pulled from the agenda for
5 discussion; [øf]
- 6 (4) on which two or more people have registered to testify if the persons
7 have registered to testify 15 minutes prior to the scheduled start time
8 of the council meeting; or
- 9 (5) that has been considered by a standing committee of the council.

10 **PART 4.** City Code Subsection 2-5-26 is amended to read:

11 **§ 2-5-26 AGENDA FOR COUNCIL MEETINGS.**

12 (A) The city manager shall:

- 13 (1) prepare an agenda for each council meeting;
- 14 (2) group agenda items by council committee, or if an item has not been
15 considered by a council committee, by department or by topic;
- 16 (3) mark each action item, identifying an item that is an ordinance or a
17 resolution; and
- 18 (4) list items from the council in a separate section of the agenda, unless the
19 item has been reviewed by a council committee.

20 (B) The city manager may place an item on the council's agenda. The city manager
21 should not place an item on an agenda unless:

- 22 (1) the item has been considered by the appropriate advisory board[,
23 ~~commission, or~~] and council committee, if any;
- 24 (2) the item [~~is sponsored by two councilmembers~~] has been reviewed by a
25 council committee, or the item has been sponsored by four council
26 members; or
- 27 (3) the item is an [øñ] administrative matter[s], or, if due to exigent
28 circumstances [øñ other matters], the city manager determines that the
29 back-up material accompanying the item is sufficient to provide the council
30 with a full explanation of the item.

1 (C) Electronic publishing of draft agenda. The c[€]ity m[M]anager shall:

- 2 (1) electronically publish a draft of the agenda on the C[e]ity Web site
3 [website] not later than the ninth day before ~~[nine days in advance]~~ of the
4 regularly scheduled council meeting and supplement the initial posting with
5 additional items that have been added;
- 6 (2) provide electronic mail notification of the electronic posting of the draft
7 agenda to any citizen who requests notification by ~~[via]~~ the established
8 electronic notification system;
- 9 (3) include as much back-up information for each draft agenda item as is
10 available at the time of the initial electronic posting and supplement the
11 initial posting with additional back-up information as it becomes available;
12 and
- 13 (4) label each draft agenda “Draft Agenda for [date] Council Meeting” and
14 indicate the date on which each draft agenda is first electronically published
15 and the date on which each back-up item for each item is added to the draft
16 agenda.

17 (D) If a council member or a board created by Chapter 2-1 (City Boards) wishes to
18 place an item on a council agenda, the council member or board chair should
19 follow the procedure set by this Subsection.

- 20 (1) The board chair must be acting on a vote of the board.
- 21 (2) The council member or board chair must submit the proposed item to the
22 city clerk who shall provide a copy of the proposal to the mayor and city
23 manager.
- 24 (3) The mayor shall, no later than the fifth working day after the date the mayor
25 receives the proposal, or as soon thereafter as practicable, assign the item to
26 a council standing committee.
- 27 (4) When the mayor has selected the appropriate committee, the city manager
28 shall promptly provide the written proposal to the committee’s staff liaison.
- 29 (a) The liaison shall promptly submit the proposed item to the city
30 attorney, the chief financial officer, and the appropriate City
31 department director for review.
- 32 (b) The city attorney, the chief financial officer, and the department
33 director shall respond with comments not later than the fifth
34 business day after receiving the proposal from the staff liaison. The

1 city attorney's response should include a proposed posting for the
2 item.

3 (c) The committee's staff liaison shall consult with the proposing
4 council member or board chair and make any revision to the
5 proposed item that the proposing member or board chair requires. A
6 substantive change must be reviewed by the city attorney and the
7 chief financial officer.

8 (d) After the proposing member or board chair has approved the item,
9 the committee's staff liaison shall work with the committee chair to
10 place the item on the next available committee agenda for which it
11 is practicable to meet the posting requirement.

12 (5) The item shall be considered by the committee and sent for consideration to
13 the full council as provided by Section 2-5-108 (Committee Action).

14 (E) [Items from Council.] If four council members wish to bypass the committee
15 process and place an item directly on the council agenda:

16 (1) The c[~~C~~]ouncil m[~~M~~]embers should submit items for inclusion on an
17 agenda not later than the sixth [~~six~~] business day[s] in advance of the
18 council meeting.

19 (2) If an item is submitted later than the time prescribed by [~~Subsection (D)(1)~~(1)
20 of] this section, a [~~the~~] sponsor of the item shall certify that the item is time
21 sensitive because it is immediately critical to the interests of the City. The
22 certification shall be on a form provided by the c[~~C~~]ity m[~~M~~]anager.

23 (3) An item [~~Items~~] submitted for inclusion on the agenda should include
24 posting language and a resolution, ordinance, agreement, or other
25 supplemental information.

26 **PART 5.** City Code Section 2-5-29 is amended to read:

27 **§ 2-5-29 SPEAKER REGISTRATION AND SPEAKING TIME.**

28 (A) For an item that has been considered by a council committee, public comment
29 shall be taken at the request of four council members. The method in which
30 comment will be taken is at the discretion of the council. The remainder of this
31 section applies only to an agenda item that has not been considered by a council
32 committee. [~~A person who intends to testify at a council meeting on an agenda~~
33 item or at a public hearing shall register on the electronic signup system located
34 in the City Hall lobby.]

- 1 (B) A person who intends to testify at a council meeting on an agenda item or at a
2 public hearing shall register on the electronic signup system located in the City
3 Hall lobby. The person may register at any time after 12:00 noon on the Monday
4 preceding a council meeting, when the city clerk opens the agenda for the
5 meeting and before the last person who has registered to testify on the item has
6 begun to testify.
- 7 (C) Except as provided in Section 2-5-25 (*Consent Agenda*), a person is not limited in
8 the number of items on which the person may register to testify.
- 9 (D) The presiding officer should grant a person three minutes to address the council,
10 unless:
- 11 (1) the council rules otherwise; or
- 12 (2) the presiding officer exercises the officer's authority under Section 2-5-23
13 (*Rules of Order*) to limit or reduce the speaker's time.
- 14 (E) A person may donate the person's speaking time on an agenda item or at a public
15 hearing to another speaker if the person donating the time is present when the
16 speaker begins to address the council.
- 17 (F) A speaker may not use the time of more than four other registered speakers on an
18 agenda item or at a public hearing.
- 19 (G) Except as required by state law, the council may limit the number of speakers or
20 the length of testimony at the council's discretion. If the council limits testimony
21 under this subsection, the electronic registration of each non-speaking person
22 shall be made part of the public hearing record.
- 23 (H) A person may not register to speak on an item posted as a briefing.

24 **PART 6.** Subsection (A) of City Code Section 2-3-9 (*Council Audit and Finance*
25 *Committee*) is repealed, Subsections (B) and (C) of that section become Subsections (A)
26 and (B) respectively. All references in the City Code to the Council Audit and Finance
27 Committee are changed to the Council Audit Committee.

28 **PART 7.** City Code Section 2-1-8 (*Council Audit and Finance Committee*) is amended
29 to read:

30 **§ 2-1-8 COUNCIL AUDIT [~~AND FINANCE~~] COMMITTEE.**

31 (A) The Council Audit [~~and Finance~~] Committee shall:

- 32 (1) review each board's internal review report that is required by Section 2-1-
33 46 (*Annual Internal Review and Review Report*);

- 1 (2) make recommendations to the council on the continued need for and role of
2 each board;
- 3 (3) review and recommend that the full council approve or disapprove a
4 board's requested amendment to the City's standard board bylaws;
- 5 (4) receive notice of a board's failure to convene for a period of six months and
6 make a recommendation to council on the continued existence or
7 dissolution of the board;
- 8 (5) make recommendations to council on other issues related to City-related
9 boards; and
- 10 (6) receive annually from ~~direct~~ the city auditor an assessment of ~~[to annually~~
11 ~~assess]~~ the risks related to boards using ~~[utilizing]~~ available information
12 about board actions and recommend to the full council boards for
13 performance audits.

14 (B) The committee may review a board audited by the city auditor.

15 **PART 8.** Subsection (B) of City Code Section 2-1-44 (*Meeting Procedures*) is amended
16 to read:

17 (B) Each board shall adopt the City's standard board bylaws. A bylaw
18 amendment is not effective unless approved by the council after review by the
19 Council Audit ~~[and Finance]~~ Committee.

20 **PART 9.** Subsection (A) of Section 2-3-2 (*Selection Process; City Auditor Vacancy*) is
21 amended to read:

22 (A) The council shall appoint a nominating committee to recommend candidates for
23 city auditor. The committee shall consist of five members, including:

- 24 (1) three council members appointed by the council ~~[audit and finance~~
25 ~~committee]~~;
- 26 (2) the state auditor; and
- 27 (3) the city manager.

28 **PART 10.** Section 2-10-5 of the City Code is amended to read:

29 **§ 2-10-5 PUBLIC SAFETY ~~[JUDICIAL]~~ COMMITTEE.**

30 (A) The Council Public Safety ~~[shall appoint three of its members to the Judicial]~~
31 Committee shall make recommendations to the full council on the following

1 matters enumerated in this section [~~to provide oversight and direction to the~~
2 ~~presiding judge and the municipal court clerk~~].

3 (B) The Council Public Safety [~~Judicial~~] Committee shall consult with the municipal
4 judges to [~~and~~] develop and recommend to the full council for adoption [~~adopt~~]
5 performance criteria for an evaluation required under Section 2-10-11(B)(10)
6 (*Presiding Judge*).

7 (C) [~~(D)~~] The Council Public Safety [~~Judicial~~] Committee shall develop information
8 to present to the full council regarding the evaluation of [~~evaluate~~] the
9 performance of the presiding judge and a judge appointed to the Downtown
10 Austin Community Court.

11 (D) [~~(E)~~] The Council Public Safety [~~Judicial~~] Committee shall make
12 recommendations to the full council on [~~set~~] the hours of work and [~~assign~~] the
13 duties of a judge appointed to the Downtown Austin Community Court. The
14 mayor or, in the mayor's absence, the mayor pro tem, shall schedule and approve
15 leave for a judge appointed to the Downtown Austin Community Court.

16 **PART 11.** Subsection (B) (10) of City Code Section 2-10-12 (*Administration of Oaths*)
17 is amended to read:

18 (10) at least twice during each term, evaluate the performance of each judge on
19 criteria other than a decision made in a judicial proceeding and forward the
20 evaluation to the Council Public Safety [~~Judicial~~] Committee; and

21 **PART 12.** City Code Section 2-5-41 is amended to read:

22 **§ 2-5-41 GENERAL PROVISIONS.**

23 (A) Except as otherwise provided in the Code, including Subsection (B) and Division
24 2 (*Appeals*), this division applies to a public hearing authorized under the Code.
25 Except for Subsection (C), a [A] provision regarding a public hearing procedure
26 in another chapter of the Code prevails over this article to the extent of any
27 conflict.

28 (B) A public hearing authorized under Title 25 (*Land Development*) shall be held as
29 prescribed by Chapter 25-1, Article 6, Division 2 (*Public Hearing Procedure*) of
30 the Code.

31 (C) Except as provided by this Subsection, a [A] public hearing should be conducted
32 as prescribed by the Code, this article, and state and federal law. If a public
33 hearing before the council is required by the Code, but is not required by the
34 Charter or by state or federal law, a public hearing before a council committee
35 satisfies the requirement. If council action is indicated by the hearing, the

1 committee may not act in council's stead, but may make a report or
2 recommendation to the full council. Except as otherwise provided in Article 5,
3 when a council committee holds a public hearing to satisfy a requirement of the
4 Code, the hearing shall, as near as may be practicable, follow the procedure for a
5 hearing held before the council. This Subsection prevails over any other
6 provision of the Code to the extent of a conflict.

7 (D) The city manager should set the date of a public hearing before the council by
8 publication in the agenda. The council may change a hearing date.

9 (E) Except as provided in Section 2-5-29 (*Speaker Registration and Speaking Time*),
10 a public hearing should not be closed if there is a person present who has
11 registered to testify but has not had an opportunity to address the council.

12
13 **PART 13.** This ordinance takes effect on _____, 2015.

14 **PASSED AND APPROVED**

15
16 §
17 §
18 _____, 2015 § _____
19 Steve Adler
20 Mayor

21
22
23 **APPROVED:** _____
24 Karen M. Kennard
25 City Attorney

23 **ATTEST:** _____
24 Jannette S. Goodall
25 City Clerk