

ORDINANCE NO. 20071129-011

AN ORDINANCE AMENDING THE CITY CODE TO REPEAL AND REPLACE CHAPTER 2-1 RELATING TO BOARDS AND COMMISSIONS; AMENDING SECTIONS 2-7-71 AND 2-7-72 OF THE CITY CODE RELATING TO FINANCIAL DISCLOSURE BY BOARD MEMBERS; REPEALING SECTION 2-8-22 OF THE CITY CODE RELATING TO BOARD WORK PLANS, SECTION 2-8-23 OF THE CITY CODE RELATING TO THE POLICY PLANNING AND BUDGET COMMITTEE, AND SECTION 2-10-35 RELATING TO THE DOWNTOWN AUSTIN COMMUNITY COURT ADVISORY COMMITTEE; AND PROVIDING ADMINISTRATIVE TRANSITION PROVISIONS RELATING TO BOARDS.

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

PART 1. The council finds that:

- (A) The City's volunteer boards and commissions improve the value of governance in the City by providing increased citizen input in the regulatory process.
- (B) The council appointed a Boards and Commissions Process Review Task Force, which submitted a report suggesting a number of changes to the City's use of and procedures for boards and commissions.
- (C) The current board and commission process is not uniform, which creates problems of consistency in how individual boards operate, including bylaw provisions, meeting frequency, naming, and quorum.
- (D) A nomination and appointment procedure that allows a board member's service to run concurrently with the term of the councilmember making the nomination would further the public's interest in having newly elected council members impact the City's regulatory process quickly.

PART 2. The City Code is amended to repeal and replace Chapter 2-1 to read:

CHAPTER 2-1. CITY BOARDS.

ARTICLE 1. GENERAL PROVISIONS.

Division 1. Administrative Provisions.

§ 2-1-1 APPLICABILITY; CONFLICTS.

- (A) This article applies to all boards described in Article 2 (*Boards*) and the board members.
- (B) The council may require a task force or a task force member to comply with this chapter. Otherwise, this chapter does not apply to a task force or task force member.
- (C) Federal law, state law, the City Charter, and other City Code provisions supersede this chapter to the extent of conflict.
- (D) A specific provision in Article 2 (*Boards*) controls over a general provision in Article 1 (*General Provisions*).

§ 2-1-2 DEFINITIONS.

- (A) BOARD means a permanent advisory or decision-making body described in Article 2 (*Boards*) and includes a commission, committee, council, or agency.
- (B) BOARD MEMBER includes an alternate member.
- (C) TASK FORCE means a non-codified temporary advisory body established by resolution or ordinance for a specific purpose that expires upon the completion of its assigned task or according to a specified deadline.

§ 2-1-3 BOARDS ESTABLISHED.

- (A) Each board described in Article 2 (*Boards*) is established or continued in existence by the city council as an advisory or decision-making body to perform specified duties.
- (B) A board established by the city council that is to be in existence for more than three years should be included in this chapter.
- (C) The city clerk shall maintain a list of all boards, task forces, and other city-related bodies that are not included in this chapter and to which the council or mayor appoints one or more members.

§ 2-1-4 SIZE AND APPOINTMENT.

- (A) Except as otherwise provided in Article 2 (*Boards*), a board consists of seven members appointed by the city council.
- (B) For a board with seven or more members, each council member shall nominate one board member to serve on the board, and the mayor shall nominate the other board members.
- (C) For a board with fewer than seven members, the mayor shall nominate the board members.
- (D) All appointments of board members are subject to approval by a majority vote of council.

§ 2-1-5 COMPOSITION AND MEMBERSHIP QUALIFICATIONS.

Except as otherwise required by federal or state law, the City Charter, or this chapter, the board composition and membership qualifications contained in this chapter are directory and not mandatory.

§ 2-1-6 QUORUM AND ACTION.

- (A) A majority of the total number of authorized board members constitutes a quorum for the conduct of business. For a seven member board, four board members constitute a quorum.
- (B) A board action must be adopted by an affirmative vote of the number of members necessary to provide a quorum. For a seven member board, a board action must be adopted by an affirmative vote of four board members.

§ 2-1-7 STAFF SUPPORT.

- (A) The city manager shall designate a City department to provide staff support for each board, including a staff member to serve as board liaison for the department and the board.
- (B) The city clerk shall assist each board and task force in complying with Government Code Chapter 551 (*Open Meetings Act*), including the posting of meeting notices.

§ 2-1-8 COUNCIL AUDIT AND FINANCE COMMITTEE.

- (A) The Council Audit and Finance Committee shall:

- (1) annually designate the boards that are required to conduct a review and prepare a review report and work plan in accordance with Section 2-1-46 (*Annual Review, Review Report, And Work Plan*);
 - (2) review each designated board's review report and work plan;
 - (3) make recommendations to the council on the continued need for and role of each board;
 - (4) review and approve or disapprove a board's requested amendment to the City's standard board bylaws;
 - (5) receive notice of a board's failure to convene for a period of six months and make a recommendation to council on the continued existence or dissolution of the board; and
 - (6) make recommendations to council on other issues related to City-related boards.
- (B) The committee may review a board audited by the city auditor.
- (1) The committee's review shall include:
 - (a) a written or oral presentation by the chair of the board related to:
 - (i) the mission, goals, and objectives of the board;
 - (ii) the board's performance during the review period; and
 - (iii) the findings by the city auditor; and
 - (b) written or oral public comment on a board's operation and performance during the review period.
 - (2) The committee shall make a recommendation to council on whether to continue, modify, or dissolve the board.

Division 2. Member Requirements.

§ 2-1-21 ELIGIBILITY REQUIREMENTS AND REMOVAL.

- (A) A board member is appointed by and serves at the pleasure of the city council.
- (B) A person must be a resident of the City to be eligible for appointment to a City board, unless an exception to the residency requirement is created by federal or state law, the City Charter, or a City ordinance.

- (C) A person who is registered or is required to register as a lobbyist under Chapter 4-8 (*Regulation of Lobbyists*) or who is employed by a person registered or required to register under that chapter is not eligible to serve on a board until the expiration of three years after the date that the person ceases to be registered, required to be registered, or employed by a person registered or required to register.
- (D) A board member whose years of service exceed the limitation prescribed by Section 2-1-22 (*Membership Term And Limitation*) is not eligible for reappointment.
- (E) A person must file a written application with the city clerk to be eligible for appointment to a City board.
- (F) After a person is appointed to a board, the person is not eligible to begin service until the person has signed a written acknowledgment stating that the person:
 - (1) has taken the oath of office;
 - (2) has received a copy of and agreed to comply with the City's ethics and personal responsibility guidelines; and
 - (3) has agreed to complete the training required by Section 2-1-23 (*Training*).
- (G) To maintain eligibility, a board member must:
 - (1) complete the initial and annual refresher board courses required by Section 2-1-23 (*Training*);
 - (2) comply with Section 2-7-72 (*Public Financial Statements*), if applicable; and
 - (3) comply with the attendance requirements of Section 2-1-26 (*Attendance Requirements And Automatic Vacation*).
- (H) A person may not serve on more than one City-established board simultaneously, except as a representative of another board or as required by federal or state law or City ordinance or resolution.
- (I) Except as provided in Subsection (H), a board member whose term has expired continues to serve in a hold-over capacity until the earlier of the date a successor is appointed to fill the position or the 60th day after the term expiration date.

- (J) A board member who becomes ineligible to serve under this chapter or federal or state regulation may not continue to serve even though a successor has not been appointed.
- (K) A board member may be removed at any time by an affirmative vote of the majority of the council.

§ 2-1-22 MEMBERSHIP TERM AND LIMITATION.

- (A) A board member is appointed for a term of three years beginning August 1st. The term of office for a board member runs concurrently with the term of office for the city council member who appoints the member.
- (B) Except as provided in Subsection (C), a board member may serve not longer than nine consecutive years on the same board. Service before December 10, 2007 is excluded in determining the number of years served.
- (C) A board member who has served nine years on the same board is not eligible for reappointment to a board until the expiration of two years after the last date of the member's service on the board.

§ 2-1-23 TRAINING.

- (A) A board member must comply with the training requirements of this section to maintain eligibility to serve on the board.
- (B) Each board member must complete a board course developed by City staff not later than the 90th day after the date of the member's appointment. The training shall include:
 - (1) a review of a board member's personal and ethical responsibilities;
 - (2) the role of council and staff and the council-manager form of government;
 - (3) the role of an advisory boards in making recommendations and advising council;
 - (4) board procedures, including attendance and quorum;
 - (5) the City's business planning process;
 - (6) Government Code Chapter 551 (*Open Meetings Act*), Robert's Rules of Order, and Americans with Disabilities Act requirements; and
 - (7) conflict resolution.

- (C) After the initial training, each board member must annually complete a refresher course developed by City staff.

§ 2-1-24 CONFLICT OF INTEREST AND RECUSAL.

- (A) This section is cumulative of Chapter 2-7 (*Ethics And Financial Disclosure*) and Local Government Code Chapter 171 (*Regulation Of Conflicts Of Interest Of Officers Of Municipalities, Counties, And Certain Other Local Governments*). Under this section a board member has a conflict of interest if the City Code or another law prohibits the board member from taking action on a vote or decision before the board.
- (B) At each meeting, a board member shall sign an attendance sheet and shall indicate:
- (1) that the board member has no conflict of interest related to any item on the agenda; or
 - (2) the number of an agenda item for which the board member has a conflict of interest.
- (C) A board member with a conflict of interest shall:
- (1) file a conflict of interest statement with the staff liaison before a meeting begins or, if the member arrives after the meeting has begun, upon the member's arrival;
 - (2) recuse himself or herself from any discussion or deliberation on the agenda item creating the conflict of interest; and
 - (3) leave the meeting room during any discussion, deliberation, or action on the agenda item creating the conflict of interest.
- (D) A board member with a conflict of interest may not address the board or an individual member of the board on any issue relating to the agenda item creating the conflict of interest.
- (E) A board member may not address the board or an individual member of the board as an advocate for any person.
- (F) The Ethics Review Commission shall prescribe forms for this section.
- (G) Chapter 2-7, Article 3 (*Violation: Complaint And Hearing Procedures*) applies to this section, and a sworn complaint alleging a violation may be filed under the procedures of that article. If the Ethics Review Commission determines that

a violation of this section has occurred, it shall follow the procedure required by Section 2-7-47 (*Prosecution*).

§ 2-1-25 PUBLIC FINANCIAL STATEMENTS.

- (A) A board member who does not file a public financial statement required by Section 2-7-72 (*Public Financial Statements*) is ineligible to serve and automatically vacates the member's position.
- (B) The city clerk shall notify the nominating council member if a board member's failure to file public financial statements creates an automatic vacancy that requires a new appointment.

§ 2-1-26 ATTENDANCE REQUIREMENTS AND AUTOMATIC VACATION.

- (A) Except as provided in Subsection (B), a board member automatically vacates the member's position if the member is absent for three consecutive regular meetings or one-third of all regular meetings in a 12-month period.
- (B) Subsection (A) does not apply to an absence due to the board member's illness or injury if the member notifies the staff liaison of the reason for the absence not later than the date of the next regular meeting of the board.
- (C) The City department assigned to provide staff support to a board shall keep attendance records and notify the city clerk if a board member fails to comply with attendance requirements.
- (D) The city clerk shall notify the nominating council member if a board member's attendance record creates an automatic vacancy that requires a new appointment.
- (E) An automatic vacation of a board position under this section is effective on the earlier of the date a successor is appointed to fill the position or the 30th day after the notification under Subsection (D).

Division 3. Board Requirements.

§ 2-1-41 BOARD AUTHORITY AND ACTION.

- (A) Each board serves only in an advisory capacity to the city council, unless granted specific authority in Article 2 (*Boards*), another provision of the City Code, the City Charter, an ordinance, or state or federal law.
- (B) An individual board member may not act in an official capacity except through the action of a majority of the board.

- (C) A board must take action or make a recommendation to the city council not later than the 90th day after the city manager has referred an item to the board for review. If a board does not act timely as required under this subsection, the city manager may forward an item to the city council without a board recommendation.

§ 2-1-42 OFFICERS AND COMMITTEES.

- (A) Each board shall annually select from its membership a chair and any additional officers that the board finds appropriate.
- (B) A person may not serve as the chair of a board for more than two consecutive years.
- (C) A board may create a committee from its membership to aid the board in carrying out its purpose. A board may not designate or appoint a non-member to serve on a committee.
- (D) A meeting of a committee shall be posted under the Local Government Code Chapter 551 (*Open Meeting Act*).

§ 2-1-43 MEETING REQUIREMENTS.

- (A) Unless otherwise provided in this chapter, each board shall meet not less often than quarterly.
- (B) Each board shall comply with Government Code Chapter 551 (*Open Meetings Act*).
- (C) A board may not conduct a closed meeting without the approval of the city attorney.
- (D) Each board meeting agenda shall provide for citizen communication.
- (E) A board liaison shall transmit:
 - (1) a meeting agenda to the city clerk as required for posting under Government Code Chapter 551 (*Open Meetings Act*); and
 - (2) an electronic agenda to the Public Information Office for posting on the City's website.
- (F) The city clerk shall post each board meeting agenda and keep a record of postings for all board meetings.
- (G) Each board shall keep minutes of its meetings, which shall:

- (1) list the members in attendance;
- (2) state the subject of each deliberation;
- (3) indicate each vote, order, decision, or other action taken; and
- (4) be filed with the liaison department.

§ 2-1-44 MEETING PROCEDURES.

- (A) Board meetings are governed by Robert's Rules of Order and the board's bylaws.
- (B) Each board shall adopt the City's standard board bylaws. Not more than once a year, a board may adopt a revision to the standard bylaws or a rule that conflicts with Robert's Rules of Order. A bylaw or rule adoption or amendment is not effective unless approved by the Council Audit and Finance Committee.
- (C) A board meeting may not extend beyond 10:00 p.m., unless the board votes to continue.

§ 2-1-45 FAILURE TO MEET.

- (A) The City department assigned to provide staff support to a board shall notify the city clerk if the board fails to post notice of and conduct a meeting for a period of six months.
- (B) The city clerk shall send written notice to the Council Audit and Finance Committee of a board's failure to convene for a period of six months. The Council Audit and Finance Committee shall make a recommendation to council on whether to continue the board within 60 days of receiving notice under this subsection.

§ 2-1-46 ANNUAL REVIEW, REVIEW REPORT, AND WORK PLAN.

- (A) The Council Audit and Finance Committee shall designate boards that are required to conduct an annual review and prepare a review report and work plan. The committee should designate the boards not later than December 31st of each year.
- (B) A designated board shall conduct an annual review and prepare a review report and work plan during the first quarter of the year following the designation.
- (C) A board should conduct an annual review during a regular board meeting by:

- (1) assessing the board's actions during the previous year to determine whether the board complied with its mission; and
 - (2) soliciting and recording comments from the public and from staff.
- (D) A board's annual review report should include:
- (1) a summary of its activities for the previous year, including:
 - (a) the board's achievements during the preceding year;
 - (b) posted agenda for each board meeting;
 - (c) approved minutes for each meeting; and
 - (d) each resolution or written recommendation directed to the city council; and
 - (2) recommendations on whether:
 - (a) the board should continue operation or be dissolved;
 - (b) the board's functions should be modified, including the transfer of a function to another board; and
 - (c) the board's bylaws should be amended.
- (E) A board's annual work plan should include:
- (1) a mission statement;
 - (2) goals and objectives for the next plan year focused on long-range, strategic issues;
 - (3) proposed activities for the next year to achieve the boards goals and objectives; and
 - (4) administrative and staff support requirements.
- (F) A board shall submit a review report and work plan to the Council Audit and Finance Committee, the city clerk, and the City department assigned to support the board.

§ 2-1-47 DISSOLUTION.

- (A) The council may vote to dissolve a board at any time.

- (B) A board that has been abolished by the council may continue in existence for a period not to exceed 30 days after the effective date of the council action, for the limited purpose of making recommendations to council on the conclusion of matters pending before the board.

ARTICLE 2. BOARDS.

§ 2-1-101 AFRICAN AMERICAN RESOURCE ADVISORY COMMISSION.

- (A) The African American Resource Advisory Commission should have a balanced membership reflecting in-depth knowledge of the challenges and concerns of the African American community. The city council should appoint persons who are representative of or sensitive to the needs of the African American community in the city, and may appoint persons from the community-at-large and persons who are members of:
- (1) the Austin Area Urban League;
 - (2) the Capital City African American Chamber of Commerce;
 - (3) the National Association for the Advancement of Colored People;
 - (4) the Pro Arts Collective;
 - (5) the Austin Revitalization Authority; and
 - (6) the Alliance for African American Health in Central Texas.
- (B) The city manager or designee shall serve as a non-voting, ex officio member of the commission.
- (C) The commission shall advise the city council on issues relating to the quality of life for the City's African American community and shall recommend programs designed to alleviate any inequities that may confront African Americans in social, economic, and vocational pursuits, including:
- (1) health care;
 - (2) housing, including affordable housing, home ownership, and homelessness;
 - (3) entertainment opportunities for professionals and students;
 - (4) employment; and

- (5) cultural venues, including museums, theaters, art galleries, and music venues.

§ 2-1-102 ANIMAL ADVISORY COMMISSION.

- (A) The Animal Advisory Commission is established as prescribed by Texas Health and Safety Code Chapter 823 (*Animal Shelters*).
- (B) The council shall appoint as commissioners:
 - (1) one licensed veterinarian;
 - (2) one county or city official;
 - (3) one person whose duties include the daily operation of an animal shelter; and
 - (4) one animal welfare organization representative.
- (C) The mayor shall nominate as a commissioner one person recommended by the Travis County Commissioners Court.
- (D) A commissioner need not be a city resident.
- (E) The commission shall meet not less often than three times a year.
- (F) The commission shall:
 - (1) advise the city council and the Travis County Commissioners Court on compliance with Texas Health and Safety Code Chapter 823 (*Animal Shelters*); and
 - (2) consider other issues that are referred to it by the city council.

§ 2-1-103 ARTS COMMISSION.

- (A) The Arts Commission membership should represent the broad arts constituency rather than individual disciplines. The commission should have a balanced membership reflecting in-depth knowledge of the various disciplines, large and small institutions, educational institutions, individual artists, and principles of arts administration, experimental and traditional forms, urban design, and gender. The commission should reflect Austin's ethnic diversity.
- (B) The commission shall:

- (1) serve as an advisory body to the city council in all arts-related matters, including long range planning, allocations process, and coordination with the comprehensive plan;
 - (2) promote close cooperation between the City and all private citizens, institutions, and agencies interested in or conducting activities relating to the arts in the city, so that all art resources within the city may be coordinated to maximize promotion and support of the arts in the city;
 - (3) facilitate communication between arts organizations; and
 - (4) foster and assist the development of the arts in the city.
- (C) The commission shall require peer panelists to comply with the conflict of interest provisions of Chapter 2-7 (*Ethics and Financial Disclosure*).

§ 2-1-104 ASIAN AMERICAN RESOURCE CENTER ADVISORY BOARD.

- (A) The Asian American Resource Center Advisory Board membership should include persons who are representative of or sensitive to the needs of the Asian community in the city.
- (B) The city manager or designee shall serve as a non-voting ex officio member of the board.
- (C) The board shall advise the city council on the establishment and operation of an Asian American Resource Center. The board may study, plan, advise, report, and recommend an action, program, plan, or legislation that the board determines is necessary to develop the Asian American Resource Center, including the organization and structure of the center's management, a project budget and schedule, site selection, funding sources, and selection of a consultant, contractor, and executive director.
- (D) The board shall cooperate with any civic or volunteer group organized to foster, promote, and sponsor the Asian American Resource Center.
- (E) The board shall develop a comprehensive Asian American Resource Center Facility Program and Master Plan for council consideration and adoption. The Facility Program and Master Plan approval shall include a project budget and schedule, an operational plan, a financial plan, project objectives, a definition of the project's scope, and space, site, and utility requirements.

§ 2-1-105 AUSTIN AIRPORT ADVISORY COMMISSION.

- (A) The Austin Airport Advisory Commission membership should include:

- (1) a pilot;
- (2) a person who, as of the date of the person's appointment, has continuously resided within Austin-Bergstrom International Airport controlled compatible land use area for at least six months;
- (3) a civil engineer or architect licensed in Texas;
- (4) attorney in good standing with the State Bar of Texas with not less than five years experience;
- (5) a real estate appraiser; and
- (6) person from the business, banking, or financial community.

(B) The commission shall:

- (1) review and make recommendations to the council on aviation projects that the Department of Aviation proposes for the capital improvements program;
- (2) review and make recommendations to the council on proposed aviation grants, including airport trust funds administered by the Federal Aviation Administration;
- (3) review and make recommendations to the council on aviation contracts that are presented by the Department of Aviation to the council for action;
- (4) review and make recommendations to the council on the annual operating budget proposed by the Department of Aviation; and
- (5) review and make policy recommendations to the council on the quality of services at Austin-Bergstrom International Airport to citizens of Austin and customers of the airport and long term planning of Austin-Bergstrom International Airport.

§ 2-1-106 AUSTIN AREA COMPREHENSIVE HIV PLANNING COUNCIL.

- (A) The Austin Area Comprehensive HIV Planning Council is created to perform the duties prescribed for an HIV health services planning council under United States Code Title 42, Sections 300ff-11 et seq. (*The Ryan White HIV/AIDS Treatment Modernization Act*).
- (B) The planning council consists of 32 members.
- (C) In accordance with federal law:

- (1) the mayor shall appoint the members; and
 - (2) the mayor may appoint an alternate to serve in the absence of a regular member whose absence is caused by the member's illness.
- (D) The membership of the planning council shall include representatives of the organizations or entities required by the Ryan White HIV/AIDS Treatment Modernization Act. On the effective date of this section, representation must include the following:
- (1) health care providers, including federally qualified health centers;
 - (2) community-based organizations serving affected populations and AIDS service organizations;
 - (3) social service providers, including providers of housing and homeless services;
 - (4) mental health and substance abuse providers;
 - (5) local public health agencies;
 - (6) hospital planning agencies or health care planning agencies;
 - (7) affected communities, including people with HIV disease or AIDS, members of a federally-recognized Indian tribe as represented in the population, individuals co-infected with hepatitis B or C, and historically under-served groups and sub-populations;
 - (8) non-elected community leaders;
 - (9) state government, including the state Medicaid agency and the agency administering the program under part B of the Ryan White HIV/AIDS Treatment Modernization Act;
 - (10) grantees under Part C, Subpart II (*Early Intervention Services - Categorical Grants*) of the Ryan White HIV/AIDS Treatment Modernization Act;
 - (11) grantees under Section 2671 (*Grants for Coordinated Services and Access to Research for Women, Infants, Children and Youth*) of the Ryan White HIV/AIDS Treatment Modernization Act or representatives of organizations with a history of serving children, youth and families living with HIV and operating in the area; and

- (12) grantees under other federal HIV programs, including providers of HIV prevention services.
- (E) Members of the planning council shall serve two-year terms. A member's term expires on the second anniversary of the member's appointment.
- (F) A planning council member may not serve more than three consecutive terms unless the member is the only eligible representative of an entity that is the sole provider in a category designated in Subsection (D).
- (G) The planning council shall solicit nominations for consideration for appointment to the planning council through an open process. Nominees shall be selected based on criteria publicized by the planning council.
- (H) The city manager shall assist the planning council in soliciting nominees for appointment to the planning council.
- (I) The planning council shall establish a nominations committee to consider the nominees. The committee shall deliver copies of each application it receives to the planning council. The committee shall recommend at least two applicants to the planning council for each position, if there are two or more qualified applicants.
- (J) The planning council shall recommend to the mayor at least two candidates for each position, if there are two or more qualified applicants.
- (K) The planning council shall elect a chairperson who may not be an employee of the City.
- (L) The planning council shall adopt rules of procedure or bylaws for the conduct of business that comply with the Ryan White HIV/AIDS Treatment Modernization Act.
- (M) A majority of the planning council members, excluding vacancies, constitutes a quorum.
- (N) The planning council may not be directly or indirectly involved in the administration of grant funds under the Ryan White HIV/AIDS Treatment Modernization Act. The planning council may not designate or participate in the selection of recipients of grant funds.
- (O) The planning council shall perform the duties prescribed in Section 2602(B) of the Ryan White HIV/AIDS Treatment Modernization Act and shall comply with the requirements imposed by the Ryan White HIV/AIDS Treatment Modernization Act or other applicable law.

- (P) The planning council shall advise the city council on issues related to HIV and AIDS and perform other duties assigned by the city council.

**§ 2-1-107 AUSTIN COMMUNITY TECHNOLOGY AND
TELECOMMUNICATIONS COMMISSION**

- (A) The Austin Community Technology and Telecommunications Commission membership should be broadly representative of community interests. A commissioner should have resided continuously within the City for not less than 180 days.
- (B) In this section:
- (1) Community technology includes information, communications technology training, and access that promotes civic and cultural participation, employment, and life-long learning.
 - (2) Telecommunications services include all transmission of voice, data, or video by means of permanent facilities installed in the City's rights-of-way or by means of radio transmission.
- (C) The commission shall advise the city council regarding issues that include:
- (1) community technology;
 - (2) telecommunications services;
 - (3) new sources of funding for access television projects;
 - (4) new sources of funding for community technology projects;
 - (5) allocation of annual financial support; and
 - (6) the evaluation of the performance of franchise holders, access television contractors, and other community technology contractors, including development of criteria to be used for evaluations.
- (D) The commission shall conduct public hearings regarding issues that include:
- (1) the performance of franchise holders, access television contractors, and other community technology contractors; and
 - (2) the identification of community cable, telecommunications, and technology needs.

- (E) The commission shall promote access to telecommunications services and community technologies by methods including:
 - (1) public awareness, use, and viewership of access television programming and other community media;
 - (2) identifying community technology needs and problems in the City and defining innovative programming approaches to those needs and problems; and
 - (3) public awareness of telecommunications policy and community technology issues.
- (F) The commission shall serve as a coordinating forum for issues relating to the provision of every different type of telecommunications services and community technologies, by receiving reports and recommendations from other City boards and commissions and from City departments, and forwarding these to the city council.
- (G) The commission does not possess any sovereign authority regarding any cable television or cable related telecommunications issue, and the commission serves in an advisory capacity only.

§ 2-1-108 AUSTIN MUSIC COMMISSION.

- (A) The Austin Music Commission membership should reflect the various areas of interest and expertise of the Austin music community and industry and the diversity of the Austin music community and industry. Commissioners may be selected from representatives of membership-based music organizations, music-related professional services, club owners or operators, the media, and artists in the field of music.
- (B) The commission advises the city council on music economic development issues, and coordinates and promotes the use of an Austin Music Channel on the local cable television system.
- (C) The commission duties are advisory and include:
 - (1) studying the development of the music industry, and assisting in the implementation of programs to meet the needs created by the development of the industry;
 - (2) holding public hearings on matters that affect the music community and industry in Austin, and making recommendations on the matters to the city council;

- (3) reviewing other matters that may affect the music industry in Austin and that may enable Austin's musicians to achieve national status while remaining in Austin, and making appropriate recommendations to city council; and
- (4) advising the city council on the implementation and development of an Austin Music Channel on the local cable television system by:
 - (a) recommending policies regarding the technical quality of programming and programming time allocations; and
 - (b) recommending ways to raise funds, in compliance other applicable law, to be applied toward costs associated with the channel.
- (D) The city manager shall administer, supervise, and enforce of all contracts relating to the Music Channel. The city manager shall inform the commission of any developments relating to the commission's advisory duties.
- (E) To the extent that duties set forth in this article conflict with duties of the Austin INet Authority, this article shall take precedence.

§ 2-1-109 AUSTIN-TRAVIS COUNTY EMS ADVISORY BOARD.

- (A) The Austin-Travis County EMS Advisory Board is composed of nine board members.
 - (1) One board member shall be the director of trauma surgery for the hospital that is designated by the Texas State Department of Health Services as the lead trauma hospital in Austin.
 - (2) The city council shall appoint as board members:
 - (a) a physician representative from the Travis County Medical Society Emergency Department/Emergency Medical Services Committee;
 - (b) a City representative;
 - (c) a neighborhood organization representative; and
 - (d) a corporate response group representative.
 - (3) The Travis County commissioners court shall appoint as board members:
 - (a) an emergency services district commissioner;

- (b) a local physician who is knowledgeable about emergency medical and trauma services;
 - (c) a Travis County representative; and
 - (d) a consumer who is informed about issues relating to Emergency Medical Services.
- (4) A board member need not be a resident of the City of Austin.
- (5) The terms for board members are:
 - (a) two years for a member described in Subparagraph (2)(a), (2)(b), (2)(d), (3)(a), or (3)(c); and
 - (b) three years for a member described in Paragraph (A)(1) or Subparagraph (2)(c), (3)(b), or (3)(d).
- (6) A board member's term begins on November 1st.
- (B) The board shall consider and make recommendations to the city council about the delivery of emergency medical services.
- (C) The board shall review the performance of the EMS system from the perspective of each organization participating in the system and shall make recommendations to the city council regarding:
 - (1) use of the assets and resources of the various organizations participating in the EMS system; and
 - (2) the placement of EMS stations to help promote high quality and efficient service throughout Austin and Travis County.
- (D) The board may not exercise administrative control over the City of Austin Emergency Services Department or an employee of that department.

§ 2-1-110 BOARD OF ADJUSTMENT.

- (A) The Board of Adjustment is established as provided in Local Government Code Chapter 211 (*Municipal Zoning Authority*).
- (B) The board shall be composed of seven members.
- (C) Each board member shall be appointed to serve a two-year term.

- (D) The council may appoint alternate board members to serve in the absence of regular members. An alternate member shall be appointed to serve a two-year term.
- (E) A regular or alternate board member may be removed by council for cause on a written charge after a public hearing.
- (F) The board shall:
 - (1) hear and decide a request for a variance from the requirements of Chapter 25-2 (*Zoning*), except as otherwise provided by the Code;
 - (2) hear and decide an appeal of an administrative action under Title 25 (*Land Development*); and
 - (3) perform other duties prescribed by ordinance or state law.
- (G) The board shall hold meetings at the call of the chairperson and at other times as requested by the board.
- (H) The chairperson, or the acting chairperson in the absence the chairperson, may administer oaths and compel the attendance of witnesses.
- (I) Each case before the board must be heard by at least 75 percent of the board members.
- (J) The concurring vote of 75 percent of the board members is necessary to:
 - (1) reverse an order, requirement, decision, or determination of an administrative official;
 - (2) decide in favor of an applicant on a matter on which the board is required to pass under Chapter 25-2 (*Zoning*); or
 - (3) authorize a variation from the terms of Chapter 25-2 (*Zoning*).
- (K) The board shall prepare minutes of its proceedings. The minutes shall include the vote of each member on each item before the board and shall state if a member is absent or fails to vote on an item.

§ 2-1-111 through §2-1-120 (RESERVED).

§ 2-1-121 BUILDING AND FIRE CODE BOARD OF APPEALS.

- (A) The Building and Fire Code Board of Appeals members should be qualified by experience and training to consider matters relating to building construction and fire prevention, and who are not City employees.
- (B) The building official and the fire marshal shall serve as an ex officio non-voting members of the board. The building official shall also serve as the board secretary.
- (C) The board shall:
 - (1) review any appeal filed in accordance with Title 25 (*Land Development*); and
 - (2) hear and decide appeals of orders, decisions, or determinations made by the building official relating to the application and interpretations of the Building Code and Fire Code.
- (D) The board may not waive a Code requirement.
- (E) The board shall render all decisions and findings in writing, file them with the building official, and send copies to the appellant.
- (F) A person who is aggrieved by a decision of the board may appeal the decision to the city council under this subsection.
 - (1) The appeal shall be made by filing a written notice of appeal with the city clerk. The notice of appeal shall contain:
 - (a) the name of the person filing the appeal;
 - (b) a background of the case, and a summary of the decision from which the appeal is taken;
 - (c) a statement containing facts which show, beyond a reasonable doubt, that the decision appealed from was incorrect because of its inconsistency or conflict with city ordinance or state law, or that a finding of fact by the board was clearly contrary to the evidence before the board; and
 - (d) the relief requested from the city council.
 - (2) Notice of appeal from a decision of the board shall be filed within 14 days after the date on which the decision appealed from was made.

- (3) If the last day for filing the notice of appeal is a Saturday, Sunday, or City holiday, then the notice of appeal may be filed on the next day which is not a Saturday, Sunday, or City holiday.
- (4) A person filing a notice of appeal under this section shall, on the same day of the filing, mail or deliver a copy of the notice of appeal to the board.
- (5) The city council may, in the disposition of any appeal, to waive any requirement of any ordinance in any case in which the council considers the application of the requirement to be unjust and unnecessary to achieve the purposes of the ordinance. The city council may take any other action it deems advisable in deciding any appeal under this section.

§ 2-1-122 BUILDING AND STANDARDS COMMISSION.

- (A) The Building and Standards Commission is established to hear cases concerning alleged violations of the City's housing and dangerous buildings regulations.
- (B) Each member is appointed for a term of two years or until a successor is appointed and qualified. A vacancy is filled for the unexpired term.
- (C) The fire marshal and the health authority representative are ex officio non-voting members of the commission. The building official shall also serve as the commission's executive secretary. An ex officio member may designate a representative to attend hearing.
- (D) The city council may remove a commission member or alternate member for cause on a written charge. Before a decision regarding removal is made, the city council must hold a public hearing on the matter if requested by the commission member who is subject to the removal action.
- (E) The Building and Standards Commission shall have the powers and duties and comply with the procedures established by Texas Local Government Code Chapter 54, Subchapter C (*Quasi-Judicial Enforcement Of Health And Safety Ordinances*), Chapter 25-12, Article 9 (*Uniform Housing Code*), and Chapter 25-12, Article 10 (*Dangerous Buildings Code*).

§ 2-1-123 CHILD CARE COUNCIL.

- (A) The Child Care Council is composed of 24 community leaders as members.
 - (1) The city council shall appoint 22 members. Each city council member may nominate three Child Care Council members.

- (2) The Austin Independent School District shall appoint one member.
- (3) The Travis County Commissioners Court shall appoint one member.
- (B) Each member shall serve a two-year term. The terms of one-half of the members expire on March 1 of even-numbered years, and terms of one-half of the members expire on March 1 of odd-numbered years.
- (C) The members serve as the Early Learning Opportunities Advisory Council under Title VIII (*The Early Learning Opportunities Act*) 20 U.S.C.A. Sections 9401, et seq., and shall perform the functions of a local council under the act.
- (D) The Child Care Council shall:
 - (1) make recommendations to the city council for the creation, development, and implementation of programs for quality child care;
 - (2) develop, for recommendation to city council, programs and activities that maintain the City's focus on the continued development of a system of quality child care available and accessible to all families who need these activities;
 - (3) explore, for recommendation to city council, cooperative arrangements with area governments in the metropolitan region to support a system of quality child care;
 - (4) encourage volunteerism and philanthropic efforts in order to get broad based community involvement and support for the work of the board;
 - (5) develop, for recommendation to city council, strategies encouraging individuals and agencies to continually upgrade the quality of their services and provide innovative approaches to quality child care in areas including training, involving the elderly, and programs for young adolescents;
- (E) The Child Care Council shall create a committee to serve as the City of Austin Child Care Management Services Advisory Council. The Child Care Council shall select the committee members in accordance with the guidelines promulgated by the Texas Health and Human Services Commission.
- (F) The Child Care Council may create advisory committees. Each advisory committee should include representatives of parents, child care providers, early childhood educators, employers, community representatives, public school officials, teachers, and county and regional governmental entities.

§ 2-1-124 COMMISSION FOR WOMEN.

- (A) The Commission for Women represents the female constituency of the City and should have a balanced membership reflecting in-depth knowledge of women's concerns, including displaced homemakers, networking, health care, domestic violence/rape (battering), problems relating to the elderly, child care, discrimination, legal rights, pay equity, and comparable worth. The commission should include members who are representative of or sensitive to the needs of the City's diverse population.
- (B) The commission shall serve as an advisory body to the city council and the city manager concerning the needs and problems of women in the Austin area and shall recommend programs designed to alleviate any inequities that may confront women in social, economic, and vocational pursuits. The commission shall develop goals and coordinate research for planning, programming, and action relating to opportunities, needs, problems, and contributions of women in the city.
- (C) The commission shall:
 - (1) act as the central clearinghouse and coordinating agency for activities and information relating to the status of women in the Austin community;
 - (2) accumulate information concerning the needs of women in the Austin community, including discrimination, services, and legal rights, and shall advocate to city council regarding these needs;
 - (3) educate the community on the status of women by publicizing in all appropriate ways information on their rights and obligations;
 - (4) review the whole range of services available to women to enable them to make their full contribution through their homes, their jobs, and their participation in community life, and take responsibility for strengthening existing services, and assisting in pursuing needed services, whether it be by commercial, cooperative, or voluntary agencies, or as a public service;
 - (5) stimulate an awareness among both men and women in the public and private sector of women's full potential and of the importance of their contribution to the development of the community; and
 - (6) establish, maintain, and update annually a human resource file of women's organizations and individual women.
- (D) The commission shall establish, recognize, support, and publicize a community-wide, geographically dispersed network system for meetings of women, open to

all women without cost for attendance or participation. These network meetings will provide commissioners with a means of direct contact with women in the community so they may be better informed on issues of concern to women in the Austin area. Each network group may send a representative to the commission meetings to update commissioners on these concerns. Commissioners are also encouraged to attend network meetings.

§ 2-1-125 COMMISSION ON IMMIGRANT AFFAIRS.

- (A) The Commission on Immigrant Affairs membership should represent the diverse ethnic and professional segments of the immigrant community and the broader Austin community.
 - (1) One-third of the commissioners should have direct or personal experience in emigration to the United States.
 - (2) The commissioners need not be City residents.
- (B) The commission shall:
 - (1) advise the city council on issues of common concern to immigrants, particularly in the areas of health and human services, education, and the demographic makeup of the Austin immigrant community;
 - (2) monitor requirements of federal, state, and local immigration, welfare and other laws that affect immigrants, and recommend to the city council actions to maximize the benefits to local immigrants under existing laws and to minimize the adverse impacts to local immigrants under the laws;
 - (3) promote recognition of the contributions of the foreign-born to the economic and cultural vitality of Austin; and
 - (4) promote the availability of, and promote accessibility to, local educational, economic, legal, and social resources for immigrants.

§ 2-1-126 COMMITTEE FOR PERSONS WITH DISABILITIES.

- (A) The Committee for Persons with Disabilities membership should include representatives of agencies and organizations functioning within the committee's area who are interested in providing services to disabled persons and who are interested in the abilities and specific needs of persons with disabilities.
- (B) The committee is established to encourage, assist, and enable persons with disabilities to participate in the social and economic life of the City, achieve

maximum personal independence, become gainfully employed, and use and enjoy fully all public and private facilities available within the community.

(C) The committee shall:

- (1) serve as an advisory body to the city council and city manager regarding problems affecting the persons with disabilities in the Austin area;
- (2) serve in an advisory and consultive capacity to the Human Resources Department and the city council to ensure effective compliance and enforcement of Chapter 5-6 (*Discrimination Against A Person With A Disability*);
- (3) recommend to the mayor, council members, and the city manager measures aimed at improving the ability of various city departments and contractors at providing service and employment opportunities for disabled persons;
- (4) annually evaluate the City's efforts to implement Chapter 5-6 (*Discrimination Against A Person With A Disability*);
- (5) sponsor educational programs to promote equal treatment, opportunity, and understanding and sponsor meetings, institutes, forums, and courses of instruction to lead to clearer understanding and solution of the issues and concerns of disabled persons;
- (6) assist the Human Resources Department in training city employees and contractors regarding the needs and concerns of persons with disabilities;
- (7) provide services and information to the mayor, city council, city manager and heads of all city departments and agencies to achieve the purposes of Chapter 5-6 (*Discrimination Against A Person With A Disability*);
- (8) perform additional duties and functions as required by the city council.

§ 2-1-127 COMMUNITY DEVELOPMENT COMMISSION.

- (A) The Community Development Commission is composed of commissioners from the seven geographic areas described in Subsection (B).
- (B) The city manager shall designate from time to time seven geographic areas of Austin having either a Health and Human Services Department neighborhood center or a Parks and Recreation Department recreation center.

- (C) The council shall assign one geographic area to each council member, and the council member shall nominate a resident of the assigned geographic area as a commissioner.
- (D) The commission shall advise the council in the development and implementation of programs designed to serve the poor and the community at large with an emphasis on federally funded programs.

§ 2-1-128 CONSTRUCTION ADVISORY COMMITTEE.

- (A) The Construction Advisory Committee may include members who are representatives of labor and the construction industry.
- (B) The director of the Public Works Department shall serve as committee secretary and as an ex officio committee member.
- (C) The committee shall:
 - (1) monitor the enforcement of prevailing wage scales and job classifications on municipal construction contracts;
 - (2) advise the city council and city manager regarding categories and specific projects of maintenance and construction work that should be accomplished by contract through competitive bidding processes instead of by use of City personnel and equipment;
 - (3) review the implementation of state laws, Charter provisions, ordinances, and council policies relating to the award of construction contracts and the purchase or rental of construction equipment materials and services, including advertising policies, specifications, and lease purchase agreements; and
 - (4) advise the city council and city manager on other construction matters affecting the quality, cost, and improvement of City construction programs.

§ 2-1-129 DESIGN COMMISSION.

- (A) The Design Commission membership should include a diverse group of persons having expertise in urban design, architecture, landscape architecture, historic preservation, civic art, real property development, construction, and economic development.

- (B) The commission shall provide advisory recommendations to the city council as requested by the city council to assist in developing public policy and to promote excellence in the design and development of the urban environment.
- (C) The commission shall:
 - (1) offer policy recommendations regarding specific issues of urban design;
 - (2) participate in developing design guidelines;
 - (3) unless otherwise directed by the city council, for projects that require the approval of the Planning Commission or the Zoning and Platting Commission:
 - (a) review a project only after a formal request by the project sponsor or applicant; and
 - (b) complete the review before the respective Planning or Zoning and Platting Commission takes final action;
 - (4) provide citizen education and outreach regarding quality urban design;
 - (5) provide a venue for citizen input on the design and development of the urban environment;
 - (6) maintain liaison relationships with city staff and other boards and commissions; and
 - (7) perform other activities as directed by the city council.
- (D) The commission may appoint at one or more of its members to serve as liaison to a project-specific community advisory group addressing urban design and planning issues at the formal request of the project sponsor.

§ 2-1-130 DOWNTOWN AUSTIN COMMUNITY COURT ADVISORY COMMITTEE.

- (A) The Downtown Austin Community Court Advisory Committee membership should include persons who are representative of the downtown business and public service community.
- (B) The committee shall advise the Downtown Austin Community Court on policy and operational issues.
- (C) The Downtown Community Court is created and governed by Chapter 2-10, Article 4 (*Downtown Austin Community Court*).

§ 2-1-131 through §2-1-140 (RESERVED).

§ 2-1-141 DOWNTOWN COMMISSION.

- (A) The Downtown Commission is composed of 14 members appointed by the city council. Each council member may nominate two commission members.
- (B) Each of the following groups, organizations, and institutions may be represented by a commissioner:
 - (1) downtown residents;
 - (2) providers of human services to downtown clients;
 - (3) Austin Area Research Organization;
 - (4) Capital City Chamber of Commerce;
 - (5) Downtown Austin Alliance;
 - (6) East Eleventh Street Village Association;
 - (7) East Sixth Street merchants and residents;
 - (8) Greater Austin Chamber of Commerce;
 - (9) Hispanic Chamber of Commerce;
 - (10) Ole' Mexico;
 - (11) Regional/Urban Design Assistance Team;
 - (12) Women's Chamber of Commerce; and
 - (13) Urban Land Institute.
- (C) A representative from each of the following boards and commissions shall serve as a nonvoting liaison to the commission:
 - (1) Arts Commission;
 - (2) Austin Music Commission;
 - (3) Design Commission;
 - (4) Historic Landmark Commission;
 - (5) Parks and Recreation Board;

- (6) Planning Commission; and
- (7) Urban Transportation Commission.

(D) The commission should:

- (1) participate in the development of a long range comprehensive plan for the downtown area;
- (2) be a clearinghouse through which public and private studies and projects are heard in order to achieve the greatest benefit from those studies and projects and to avoid potential duplication of effort'
- (3) establish formal lines of communication between its individual members, respective boards and commissions, and other entities represented on the Downtown Commission;
- (4) hold public forums to solicit broad public participation in the development of the downtown comprehensive plan; and
- (5) request that studies on the downtown area performed by any city, county, state, or other public office and the private sector be brought to the Downtown Commission for informational and coordination purposes.

(E) The commission shall:

- (1) facilitate coordination among City boards and commissions regarding projects and planning proposals for the downtown area;
- (2) act as the advisory board to the city council and city staff, to help define appropriate development for downtown;
- (3) provide review and comments to the council and to city departments, boards and commissions concerning the consistency or appropriateness of proposed projects and planning initiatives, ordinances, and other relevant matters affecting downtown Austin as they relate to the Regional/Urban Design Assistance Team Implementation report, "A Call to Action," and the vision for downtown Austin contained in the report;
- (4) coordinate with the city council, city departments, boards, and commissions in addressing the planning needs for the areas of downtown not addressed by the Regional/Urban Design Assistance Team Implementation report; and

- (5) review city activities in connection with downtown plans, projects and proposals periodically as it deems necessary, and shall forward its recommendations for coordination to the city council and other appropriate city boards and commissions.

§ 2-1-142 ELECTRIC BOARD.

- (A) The Electric Board membership may include an active licensed master electrician or contractor, an active licensed journeyman electrician, and an electrical engineer. A board member may not be a City employee. The building official shall serve as the ex officio non-voting secretary to the board.
- (B) The board shall hear and decide appeals of orders, decisions, or determinations made by the building official relating to the application and interpretation of the Electrical Code. The board may not waive the requirements of the Electrical Code.
- (C) The board shall render a decision in writing to the appellant not later than the 10th business day after the date the decision is rendered. The building official shall retain copies of all decisions. Failure to provide a written notice of decision to an appellant within the time period established in this section does not effect the validity of the decision.
- (D) A person who is aggrieved by a decision of the board may appeal the decision to the city council. Unless modified by the Electrical Code, the appeal procedures established in Chapter 25-1 (*General Requirements and Procedures*) apply to an appeal filed under this section.
- (E) A person may initiate an appeal by filing a written notice of appeal with the city clerk and the building official not later than the 14th day after the date of the board decision. The notice of appeal shall contain:
 - (1) the name of the person filing the appeal;
 - (2) a history of the case and a summary of the decision being appealed;
 - (3) a statement containing facts that demonstrate that the decision that forms the basis of the appeal was incorrect because it is inconsistent with a City ordinance or state law or because a finding of fact by the board is clearly contrary to the evidence before the board; and
 - (4) the relief requested from the city council.

§ 2-1-143 ELECTRIC UTILITY COMMISSION.

- (A) The Electric Utility commission is composed of persons from within the service area of the City's electric utility. The commission may include as members:
- (1) a registered professional engineer with experience in the area of power production;
 - (2) an attorney in good standing with the State Bar of Texas; and
 - (3) a person who receives electric service from the City's electric utility outside of City's corporate limits and who lives outside the City's corporate limits.
- (B) The commission shall review and analyze all policies and procedures of the electric utility, including the electric rate structure, fuel costs and charges, customer services, capital investments, new generation facilities, selection of types of fuel, purchase of fuel, transportation of fuel, billing procedures, and the transfer of electric utility revenues from the utility fund to the general fund.
- (C) The commission shall advise the city council, the city manager, the electric utility, city departments, and city boards, commissions, and committees on policy matters relating to the electric utility. All advisory information given shall simultaneously be forwarded to the city manager.
- (D) The commission may review, study, and make recommendations to the Planning Commission on proposed electric utility projects for inclusion in the Capital Improvements Program.
- (E) The commission shall request that the city council hire an outside consultant every five years to make a comprehensive review of the policies and procedures of the electric utility. The commission may initiate an external or internal review of the policies and procedures of the electric utility. If the commission initiates a review, it shall report its findings to the city council and the city manager.
- (F) The commission shall interpret the role of the electric utility to the public and the role of the public to the electric utility. The commission may hold a public hearing and briefing session every six months to explain new policies and to take citizens comments, suggestions, and complaints.
- (G) The commission may make recommendations to the city council before final council action on a policy or procedure of the electric utility.
- (H) The commission shall request from the city manager any information which it deems to pertain to the electric utility.

- (I) The commission shall, as a body, review customer complaint procedures and specific customer grievances and complaints, and make recommendations to the city council and city manager based on its findings. This duty does not supersede, replace, or substitute for the appeal procedures provided to customers in the City Utility Service Regulations.
- (J) The commission shall seek to promote close cooperation between the city council, other city boards, committees, and commissions, city departments and individuals, institutions and agencies concerned with the policies, procedures, and operations of the electric utility to the end that all similar activities within the City may be coordinated to secure the greatest public welfare.
- (K) The city manager shall provide the commission with a copy of a report, recommendation, or information given to the city council by the city manager relating to the commission's duties. Unless otherwise authorized by the city council, this subsection does not apply to:
 - (1) information exempt from public disclosure under Texas Government Code Chapter 552 (*Public Information Act*); and
 - (2) information legally subject to discussion in a city council closed or executive session under Government Code Chapter 551 (*Open Meetings Act*).
- (L) A review, analysis, or recommendation concerning policies or procedures referred to in this section shall not be construed to cover policies or procedures relating to City personnel policies adopted by the city council.

§ 2-1-144 ENVIRONMENTAL BOARD.

- (A) In this section, "department" means the Watershed Protection and Development Review Department.
- (B) The Environmental Board membership may include:
 - (1) persons who have demonstrated concern for and the desire to improve the status of the natural resources and living environment of the City;
 - (2) a person who has professional expertise in geology, hydrology, civil engineering, land planning, or ecology; and

- (3) a Barton Springs-Edwards Aquifer Conservation District board or staff person who has professional expertise in geology, hydrology, or ecology.
- (C) A member described in Subsection (B)(3) need not be a City resident.
- (D) Not more than three members should be employed in land development or related activities.
- (E) The department director an ex officio member of the board for the purpose of deliberation on a matter relating to the department.
- (F) The board is empowered to review and analyze the policies relating to the environmental quality of the city, to act as an advisory board to the city council, the city manager, and the department in their efforts to oversee the protection and integrity of the natural environment, promote growth management and land use planning, minimize degradation of water resources, protect downstream areas, and promote recreation opportunities and environmental awareness.
- (G) The board shall assist the city council, the city manager, and the department in studying, promoting and enforcing environmental protection policies to assure the health, safety, welfare and quality of life of all citizens within the City's incorporated boundaries as well as those within its extraterritorial jurisdiction where the boundaries apply.
- (H) The board shall advise the city council, the city manager, and the department concerning policies, projects, and programs that affect the quality of life or have the potential to affect the environment, including those that relate to or affect:
- (1) water quality:
 - (a) watershed protection;
 - (b) urban runoff;
 - (c) innovative wastewater treatment;
 - (d) regional wastewater treatment;
 - (e) improvement and protection of the Colorado River and the Edwards Aquifer; and
 - (f) wastewater irrigation;
 - (2) growth management and land use planning:
 - (a) municipal utility district review;

- (b) capital improvement project review; and
- (c) the comprehensive plan;
- (3) construction controls for erosion and sedimentation;
- (4) City environmental policies regarding monitoring and enforcement;
- (5) solid waste disposal plan alternatives;
- (6) watershed protection:
 - (a) flood control;
 - (b) erosion control;
 - (c) water quality; and
 - (d) utility management;
- (7) roadway planning;
- (8) beautification;
- (9) recreation resources;
- (10) public education on environmental matters;
- (11) hazardous waste materials management;
- (12) revegetation and landscaping;
- (13) air quality; and
- (14) noise abatement.

(I) The board shall:

- (1) review all variances to requirements for water quality related to environmentally sensitive areas;
- (2) review the monitoring of storm water runoff in developed and undeveloped areas;
- (3) review the efficiency of existing and proposed structural and nonstructural controls;
- (4) periodically review the effectiveness of Chapter 25-4 (*Subdivision*);

- (5) review waste treatment permits within the city's extraterritorial jurisdiction;
 - (6) review programs and policies for flood control, erosion control, and water quality;
 - (7) review capital improvement projects;
 - (8) review municipal utility district proposals and amendments;
 - (9) review roadway plan amendments; and
 - (10) recommend urban runoff standards.
- (J) The board may recommend and initiate, with the advice and consent of the city council, specific project studies concerning any of the matters described in Subsections (H) and (I), or any other related environmental issue.
- (K) The board shall make reports and recommendations for standards and criteria concerning any of the matters described in Subsections (H) and (I), or any other related environmental issue.
- (L) The board shall promote close cooperation between the City and all private citizens, institutions, and agencies interested in or conducting natural resource and environmental activities, so that all similar activities within the city may be coordinated to secure the greatest public welfare.
- (M) A project for which Environmental Board review is required:
- (1) must be submitted to the appropriate staff before the meeting at which it will be considered; and
 - (2) may not be considered by the Planning Commission, the Zoning and Platting Commission, or the city council until the board has had an opportunity to review the project at a regularly scheduled meeting and to report its findings.

§ 2-1-145 ETHICS REVIEW COMMISSION.

The Ethics Review Commission is created and governed by Chapter 2-7, Article 2 (*Ethics Review Commission*).

§ 2-1-146 FEDERALLY QUALIFIED HEALTH CENTER BOARD.

- (A) The Federally Qualified Health Center Board provides direction to the Federally Qualified Health Center, established by the City and Travis County

as part of the City of Austin Health and Human Services Department/Travis County Health Department to improve the health status of the community, with a focus on low income citizens, through the coordinated delivery of services that prevent and treat disease.

- (B) The board is composed of 15 members. Eight board members shall be “customer members” who use the Federally Qualified Health Center, and seven board members shall be at-large members.
 - (1) The city council shall appoint four customer members and six at-large members.
 - (2) The Travis County Commissioners Court shall appoint four customer members and one at-large member.
- (C) Board members are appointed to two-year staggered terms. The term of two city-appointed customer members, two county-appointed customer members, three City-appointed at-large members and one county-appointed at-large member expire on December 1 of odd-numbered years. The term of the remaining members shall expire on December 1 of even-numbered years.
- (D) The board shall make policy recommendations on the following matters related to the Federally Qualified Health Center services:
 - (1) scope of services;
 - (2) distribution of resources and adoption of the budget;
 - (3) development of community-specific health care initiatives;
 - (4) assessment and improvement of patient satisfaction;
 - (5) assessment of community need;
 - (6) determination of the appropriateness of hours of service and other facility-specific operational issues;
 - (7) coordination of in-patient specialty needs and all available providers; and
 - (8) initiation of new programs and policies.
- (E) The board shall oversee the planning of services and the development of goals and objectives to assure that:

- (1) the design and the selection of service sites is based on factors that effect prevention and early diagnosis;
- (2) services are targeted at the highest risk population;
- (3) community need is anticipated;
- (4) community members, especially service users, have input into service design;
- (5) coordination occurs with other agencies serving the user population;
- (6) services are responsive to the users;
- (7) quality services are delivered with care and understanding in the most efficient manner; and
- (8) services delivered are sensitive to the economic, cultural, and demographic diversity of the community.

§ 2-1-147 HISTORIC LANDMARK COMMISSION.

(A) The Historic Landmark Commission members should have knowledge of and experience in the architectural, archaeological, cultural, social, economic, ethnic, or political history of the City, and a demonstrated interest or competence in or knowledge of historic preservation.

- (1) Council may consider appointing as members:
 - (a) a Heritage Society of Austin board member;
 - (b) an architect registered in the State of Texas;
 - (c) a person who meets the Secretary of the Interior's professional standards for expertise in "history" or "architectural history" as described in Code of Federal Regulations Title 36, Chapter I, Part 61 (*Procedures For State, Tribal, And Local Government Historic Preservation Programs*);
 - (d) an attorney licensed by the State of Texas;
 - (e) a real estate professional;
 - (f) a structural engineer;
 - (g) the owner of a residential historic landmark; and

(h) the owner of a commercial historic landmark.

(2) Representatives of a single business or professional interest should not constitute a majority of the membership of the commission.

(B) The commission:

- (1) shall prepare and periodically revise an inventory of the structures and areas that may be eligible for designation as historic landmarks;
- (2) shall prepare, review, and propose amendments to the Historic Landmark Preservation Plan;
- (3) shall review requests to establish or remove a historic designation and make recommendations on the requests to the land use commission, as determined in accordance with Section 25-1-46 (*Land Use Commission*);
- (4) shall provide information and counseling to owners of structures that are designated as historic structures;
- (5) may initiate zoning or rezoning of property to establish or remove a historic designation;
- (6) may recommend amendments to this code relating to historic preservation;
- (7) may recommend that the City acquire property if the commission finds that acquisition by the City is the only means by which to preserve the property;
- (8) may advise the council on matters relating to historic preservation;
- (9) for an object that is not permanently affixed to land, may recommend that council confer special historic recognition; and
- (10) shall perform other duties as prescribed by this code or other ordinance.

(C) The city manager shall appoint a City employee as the City's historic preservation officer, and the employee shall act in that capacity with the representatives of the federal and state governments concerning matters of historic preservation.

§ 2-1-148 HUMAN RIGHTS COMMISSION.

(A) The Human Rights Commission is established as a local commission on human relations in accordance with Texas Labor Code Chapter 21 (*Employment*

Discrimination) to promote the purposes of that chapter and secure for all individuals in the City freedom from discrimination because of race, color, disability, religion, sex, national origin, or age.

- (B) The commission should be composed of members who as nearly as possible are representative of the several social, economic, religious, cultural, ethnic, and racial groups which comprise the population of the City.
- (C) The commission shall:
 - (1) advise and consult with the city council on all matters involving racial, religious, or ethnic discrimination, and devise practices to promote equal opportunity;
 - (2) serve in an advisory and consultive capacity to all city departments, advisory boards, and regulatory agencies to assure effective compliance with non-discrimination policies and orders, and recommend to the city manager measures to improve the ability of various departments and agencies to insure equal protection of any and all persons and groups against discrimination;
 - (3) recommend to the city council legislation to aid in programs designed to eliminate prejudice and discrimination and encourage community support for the legislation
 - (4) aid in the formulation of local community groups in neighborhoods as needed to carry out specific programs;
 - (5) initiate and facilitate discussions and negotiations between individuals and groups to lessen tensions and improve understanding in the community;
 - (6) assist in the enforcement of all laws prohibiting discrimination against persons where jurisdiction is not specifically vested in another agency;
 - (7) receive and investigate complaints and, as provided by state law, and if necessary, subpoena witnesses and documents needed for investigation of those complaints, and initiate investigations of tensions, acts of prejudice, and practices of discrimination;
 - (8) conduct public hearings on complaints and investigate and report to the council in writing facts, findings, and recommendations after using persuasion, mediation, and conciliation before any public hearing, and after make certain that any person named in any report of investigation was given the opportunity to be heard before the board with the right to examine and cross-examine witnesses;

- (9) institute and conduct educational programs to promote equal treatment, opportunity and understanding, and sponsor meetings, institutes, forums, and courses of instruction to lead to a clearer understanding and solution of human relations problems;
- (10) assist in training city employees to use methods of dealing with intergroup relations that result in respect for equal rights and equal treatment, and cooperate with the local Police Department in developing and including human rights courses in the curriculum of police training;
- (11) conduct research, obtain factual data and hold public hearings to ascertain the status and treatment of racial, religious, and ethnic groups in the city and the best means of progressively improving human relations;
- (12) provide services and information to the city manager and heads of all city departments and agencies to achieve the purposes of this chapter; and
- (13) cooperate with all city, state, county, federal, and other governmental agencies, as well as racial, religious, ethnic, nationality, educational, community, civic, fraternal, benevolent and other groups, associations, societies, and individuals with constructive talents and resources helpful in achieving mutual appreciation of the privileges and the responsibilities of citizenship in a land of freedom enriched by free commerce and full utilization of all human resources from all racial, religious, ethnic and national groups.

§ 2-1-149 IMPACT FEE ADVISORY COMMITTEE.

- (A) The Impact Fee Advisory Committee shall perform the duties prescribed by Local Government Code Section 395.058 (*Advisory Committee*).
- (B) As required by state law, not less than 40 percent of the committee membership shall be representatives of the real estate, development, or building industries who are not employed by the City or another political subdivision.

§ 2-1-150 LIBRARY COMMISSION.

The Library Commission shall make recommendations to the city council, the city manager, and the librarian on matters relating to the establishment, maintenance, and operation of the public libraries.

§ 2-1-151 through §2-1-160 (RESERVED).

§ 2-1-161 MECHANICAL, PLUMBING, AND SOLAR BOARD.

- (A) The Mechanical, Plumbing, and Solar Board should include members who are qualified by experience and training to consider matters pertaining to the installation and design of mechanical, plumbing and solar systems. A City employee may not be a member.
- (1) The city council may appoint as members:
- (a) a licensed air conditioning contractor;
 - (b) a licensed master plumber;
 - (c) a representative of the natural gas utility;
 - (d) a professional engineer; and
 - (e) a citizen of the City.
- (2) The building official shall be an ex officio non-voting board secretary.
- (B) The board shall hear and decide appeals of orders, decisions, or determinations made by the building official relating to the application and interpretation of Chapter 25-12, Article 5 (*Mechanical Code*), Chapter 25-12, Article 6 (*Plumbing Code*), and Chapter 25-12, Article 8 (*Solar Code*).
- (C) The board may not waive a requirement of the Mechanical Code, Plumbing Code, or Solar Code.
- (D) The board shall render all decisions and findings in writing to the appellant. Copies of all written decisions and findings shall be retained by the building official.
- (E) An interested party aggrieved by the decision of the board may appeal the decision to the city council in accordance with the appeal procedures set forth in Chapter 25-1 (*General Requirements And Procedures*).
- (F) In addition to the information required to file an appeal under Chapter 25-1 (*General Requirements And Procedures*), a notice of appeal filed under this subsection must include a statement containing facts which show that the decision that forms the basis of the appeal was incorrect because it was inconsistent with a City ordinance or state law or because a finding of fact by the board was clearly contrary to the evidence before the board.

§ 2-1-162 MEXICAN AMERICAN CULTURAL CENTER ADVISORY BOARD.

- (A) The Mexican American Cultural Center Advisory Board membership may include representatives from:
 - (1) the Latino arts community;
 - (2) Mexic-Arte Museum;
 - (3) the business community; and
 - (4) the community at-large.
- (B) The director of the Mexican American Cultural Center and one City employee designated by the city manager shall serve as non-voting ex officio members of the board.
- (C) The board shall advise the city council on the establishment and operation of the Mexican American Cultural Center.
- (D) The board shall cooperate with any civic and volunteer group organized to foster, promote, and sponsor the Mexican American Cultural Center.

§ 2-1-163 MINORITY-OWNED AND WOMEN-OWNED BUSINESS ENTERPRISE AND SMALL BUSINESS ENTERPRISE PROCUREMENT PROGRAM ADVISORY COMMITTEE.

- (A) The Minority-Owned And Women-Owned Business Enterprise And Small Business Enterprise Procurement Program Advisory Committee membership should have the widest representation of businesses in Austin, and may include:
 - (1) an owner of a certified WBE/MBE business;
 - (2) representatives of the minority and women's chambers of commerce;
 - (3) a non-certified contractor;
 - (4) representatives of trade associations; and
 - (5) representatives from professional organizations.
- (B) The committee shall:
 - (1) review the city manager's report, as described in Sections 2-9A-18 (*Program Review*), 2-9B-18 (*Program Review*), 2-9C-18 (*Program Review*), and 2-9D-18 (*Program Review*); and

- (2) recommend changes to the City Code provisions, adopted rules and regulations, and program operations.

§ 2-1-164 PARKS AND RECREATION BOARD.

- (A) The Parks and Recreation Board membership should include citizens of the city who are interested in public parks and public recreation and persons who are knowledgeable in navigation matters. The director of the Parks and Recreation Department, the city manager or designee, the director of the Financial and Administrative Services Department, and the city attorney are ex officio members of the board.
- (B) The board shall advise the city council and the city manager regarding:
 - (1) the acquisition, development, improvement, equipment, and maintenance of city parks and public playgrounds;
 - (2) the future development of the city parks, playgrounds, and recreational facilities, and the purchase of additional land for those purposes; and
 - (3) improvements in the maintenance, operation, and general welfare of the city's parks, playgrounds, and recreational facilities and their use by the public.
- (C) The board shall outline a general plan of development for new parks and playgrounds, including landscaping, roads, trails, buildings, and equipment. The board shall submit the plan to the Planning Commission and the city manager for detail development, and the city manager shall then submit the plan to the city council for approval.
- (D) The board shall promote close cooperation between the City and all private citizens, institutions, and agencies interested in or conducting recreational activities, so that all recreational resources within the City may be coordinated to secure the greatest public welfare.
- (E) The board shall perform other duties as prescribed by the City Code or as directed by the city council.

§ 2-1-165 PLANNING COMMISSION.

- (A) The Planning Commission is composed of nine members.
- (B) The commission is established and governed by City Charter Article X (*Planning*). The Charter provisions supersede this chapter to the extent of conflict.

§ 2-1-166 RENAISSANCE MARKET COMMISSION.

- (A) The Renaissance Market Commission administers licensing for vendors at the People's Renaissance Market.
- (B) A commissioner may not apply for or hold a license to vend in the People's Renaissance Market Area, and may not vend or be involved in the People's Renaissance Market Area except as a commissioner or market customer.
- (C) One commissioner need not be a City resident.
- (D) The commission may, in accordance with Chapter 14-2, Article 2 (*People's Renaissance Market*), approve, deny, revoke, or suspend a license to sell merchandise in the People's Renaissance Market, and may establish procedures related to licensure.

§ 2-1-167 RESIDENTIAL DESIGN AND COMPATIBILITY COMMISSION.

- (A) The Residential Design and Compatibility Commission membership should represent a broad range of community viewpoints, should be composed of a diverse group of persons having knowledge of massing, scale, and compatibility issues in residential neighborhoods, and may include residential design professionals.
- (B) The commission shall make determinations on requested modifications of certain residential design standards for specific developments, as prescribed by Chapter 25-2, Subchapter F (*Residential Design and Compatibility Standards*).

§ 2-1-168 RESOURCE MANAGEMENT COMMISSION.

- (A) A Resource Management Commission member need not be a City resident if the member resides within the City's electrical distribution service area.
- (B) The commission shall maintain an overview of all programs, studies and proposals concerning the efficient use of energy, alternate energy technologies, renewable energy resources, including solar and wind, and the conservation of energy, excluding the use of conventional coal, nuclear, natural gas, or petroleum technologies.
- (C) The commission shall serve as a liaison with other city boards and commissions, including the Electric Utility Commission.
- (D) The commission shall receive citizen input on alternate energy technologies, renewable energy sources, and on energy conservation.

(E) The commission shall review and analyze:

- (1) energy conservation technologies and renewable energy sources as to their short-term and long-term feasibility in the city;
- (2) energy conservation policies, alternate energy technologies, and renewable energy projects in other cities and states;
- (3) water conservation policies, alternate technologies, and water conservation projects in other cities and states; and
- (4) the City Code to identify potential amendments that encourage the use of alternate energy technologies and renewable energy sources, and the conservation of energy.

(F) The commission shall advise the city council:

- (1) in developing and reviewing city plans and programs in the area of alternate energy technologies, renewable energy sources, and energy conservation;
- (2) as to available funding from private and public sources which are available to the city for alternate energy technologies and renewable energy, and for the conservation of energy;
- (3) on energy conservation, on alternate energy technologies, and on renewable energy sources and report to city council on the status of its activities at least annually;
- (4) in developing and reviewing city plans and programs that encourage water conservation as it relates to water consumption from the tap to customer and within structures or building; and
- (5) regarding appropriate City Code amendments that encourage the use of alternate energy technologies and renewable energy sources, and the conservation of energy.

(G) The commission shall encourage:

- (1) the conservation of energy, the use of alternate energy technologies and renewable energy sources in City-owned facilities; and
- (2) the private and public sectors to develop and to use alternate energy technologies and renewable energy sources, and to conserve energy.

- (H) The commission shall prepare an "Energy Conservation and Alternate Energy Technologies and Renewable Energy Resources Development Plan" aimed at energy independence through maximum reliance on alternate energy technologies, renewable energy resources and the conservation of energy.

**§ 2-1-169 ROBERT MUELLER MUNICIPAL AIRPORT PLAN
IMPLEMENTATION ADVISORY COMMISSION.**

- (A) The Robert Mueller Municipal Airport Plan Implementation Advisory Commission membership may include:

- (1) a real estate developer or professional;
- (2) a commercial finance professional;
- (3) a business representative;
- (4) an urban design professional; and
- (5) neighborhood representatives, including a resident of a neighborhood adjacent to the Robert Mueller site.

- (B) The commission shall meet as frequently as it determines is necessary.

- (C) The commission shall:

- (1) advise the city council on implementation of the Robert Mueller Municipal Airport Master Plan, the 1996 Robert Mueller Municipal Airport Process and Goals Task Force Report, and other redevelopment issues at Robert Mueller Municipal Airport, including proposed amendments to the Master Plan, land disposition strategy, traffic, urban design and zoning issues, demolition of existing facilities; and
- (2) at the request of the city council, make recommendations on amendments to the Master Plan and other matters related to Robert Mueller Airport redevelopment.

- (D) The commission is abolished on July 1, 2015.

§ 2-1-170 SIGN CONTROL BOARD.

- (A) The Sign Control Board members are appointed by the mayor with the approval of the city council.
- (B) The Sign Control Board shall include persons with the following qualifications:

- (1) two real estate appraisers registered with the Society of Real Estate Appraisers or the American Institute of Real Estate Appraisers;
 - (2) a person engaged in the sign business in the city;
 - (3) an employee of the Texas Department of Transportation who is familiar with real estate valuations in eminent domain proceedings; and
 - (4) an architect or landscape architect licensed by the state.
- (C) A board member is appointed for a term of two years.
- (D) The Sign Control Board may exercise the powers granted under Section 25-10-62 (*Determination of Compensation*).

§ 2-1-171 through §2-1-180 (RESERVED).

§ 2-1-181 SIGN REVIEW BOARD.

- (A) The Sign Review Board is composed of nine persons appointed by the council.
- (1) The members and alternates of the Board of Adjustment shall serve as seven members of the Sign Review Board, concurrently with their service on the Board of Adjustment.
 - (2) The city council shall appoint two additional members who should have special knowledge or expertise relevant to signs and visibility. One of the two additional members should have expertise in signs and be affiliated with the sign industry, and the other additional member should have knowledge in aesthetics but not be affiliated with the sign industry.
 - (3) A board member is appointed for a term of two years.
- (B) The board shall:
- (1) advise the council concerning Chapter 25-10 (*Sign Regulations*); and
 - (2) exercise the powers granted under Section 25-10-236 (*Revocation And Suspension*) and Section 25-10-41 (*Sign Review Board Powers*).

§ 2-1-182 SOLID WASTE ADVISORY COMMISSION.

- (A) The Solid Waste Advisory Commission should be composed of citizens of the city who have demonstrated their concern for and desire to improve the quality of solid waste management in the city, and may include:

- (1) a person who has knowledge of or an interest or professional expertise in recycling, waste disposal, hazardous waste, or air quality; and
 - (2) a person who resides east of Interstate 35.
- (B) The director of the Solid Waste Services Department is an ex officio member of the board.
- (C) The commission shall provide quarterly reports to the city council.
- (D) The commission is empowered to review and analyze the policies and resources relating to solid waste management in the city, and to advise the city council on solid waste management policies and resources. The commission shall provide assistance to the city council to ensure its citizens that the City provides an economical and environmentally safe system of waste reduction, recovery and disposal.
- (E) The commission shall act as an advisory body to the city council and shall review programs and make recommendations regarding:
- (1) the City's waste stream;
 - (2) minimization of environmental impacts due to waste disposal; and
 - (3) implementation of programs that achieve the city's goals and objectives relating to solid waste management, including recycling, composting, alternative methods of waste disposal and garbage collection.
- (F) The commission shall hold public hearings, initiate studies, review and make reports and recommendations to the city council, or other appropriate boards and commissions, concerning:
- (1) solid waste capital improvement project proposals;
 - (2) solid waste bond programs;
 - (3) hazardous waste materials management;
 - (4) waste-stream planning and reduction of the waste-stream;
 - (5) citizens' evaluation on solid waste matters;
 - (6) incentives for participation in waste recovery programs;
 - (7) air quality as it relates to or is affected by waste disposal;
 - (8) alternative methods of waste disposal;

- (9) City's annual budget proposal for solid waste services, transportation and public services department;
- (10) cost effectiveness and financial impact of solid waste programs;
- (11) proposed and existing solid waste facilities within the city and outside the city if they have the potential to affect the city;
- (12) solid waste collection and disposal, and solid waste programs which have the potential to affect the city and make recommendations to the city council;
- (13) effectiveness of solid waste programs on an annual basis;
- (14) inventory of the City's solid waste systems;
- (15) use or disposition of equipment purchased for the resource recovery plant;
- (16) contractual obligations relating to the resource recovery plant; and
- (17) creation of a diversified short and long term solid waste management strategy pending federal legislation.

(G) The commission may also exercise the following oversight functions:

- (1) work with staff to develop programs to implement the commission's duties and responsibilities;
- (2) evaluate the economic feasibility and impacts of its goals and objectives programs;
- (3) coordinate with the staff for utilization of staff time and resources for liaison activities with the commission;
- (4) make policy and budget recommendations to the city council relating to solid waste program implementation;
- (5) review waste disposal program implementation strategies as they are developed;
- (6) review staff progress toward successful implementation of solid waste management on a periodic basis;

- (7) review staff reports and studies relating to commission programs, including economic and rate impacts and environmental effects;
 - (8) review the results from the monitoring of solid waste programs and facilities; and
 - (9) review activities of waste-to-energy advisory task force.
- (H) The commission shall maintain and promote close cooperation and open communication between the city council, other City boards, commissions, and committees, City departments and individuals, institutions and agencies concerned with the policies and procedures and operation of the Solid Waste Services Department and the maintenance and construction of the solid waste disposal facilities so that all similar activities in the City may be coordinated to secure the greatest public welfare.

§ 2-1-183 URBAN FORESTRY BOARD.

- (A) The Urban Forestry Board membership should include persons with expertise in arboriculture, urban forestry, or landscape architecture and persons who represent diverse regions or interests of the community.
- (B) The urban forester, city arborist, the director of Parks and Recreation Department, and the director of the Watershed Protection and Development Review Department shall serve as ex officio members of the board.
- (C) The board shall act in an advisory capacity to the city council, the city manager and the director of the Parks and Recreation Department in all matters pertaining to the City's urban forest.
- (D) The board may study, investigate, plan, advise, report, and recommend any action, program, plan, or legislation which the board determines necessary or advisable for the care, preservation, pruning, planting, replanting, removal, or disposition of trees and shrubs and other landscaping in public parks, along streets, and in other public areas.
- (E) The board shall develop and establish a comprehensive urban forest plan for the planting, maintenance, and replacement of trees in parks, along streets, and in other public areas. When a portion of the plan has been developed and established, it shall be submitted to the city council for adoption before implementation.
- (F) The board shall perform other functions within the scope of its work if requested to do so by the city council, the city manager, or the director of the Parks and Recreation Department.

§ 2-1-184 URBAN RENEWAL AGENCY.

- (A) The Urban Renewal Agency is created to operate under Texas Local Government Code Chapter 374 (*Urban Renewal in Municipalities*).
- (B) The agency board members are nominated by the mayor and approved by the city council.
- (C) An agency board member may not hold another public office with the City.

§ 2-1-185 URBAN TRANSPORTATION COMMISSION.

- (A) The Urban Transportation Commission shall serve as an advisory body to the city council, the city manager, and all other transportation-related departments concerning transportation-related matters including:
 - (1) transportation energy conservation matters grant applications;
 - (2) streets and highways;
 - (3) bus and rail service;
 - (4) pedestrian and bikeway programs and projects;
 - (5) safety related programs and projects;
 - (6) provision for the needs of the mobility impaired; transportation franchise requests, renewals, rate adjustments, and hours of operation.
- (B) The commission shall review and make recommendations to the city council on all requests for taxicab permits, including annual permits and franchise permits.
- (C) The commission shall annually review and report to the city council on the City's transportation system, including policies and programs.
- (D) The commission shall review, study, and make recommendations to the Planning Commission on:
 - (1) transportation-related projects proposed for inclusion in the Capital Improvements Program; and
 - (2) plans and programs submitted by the Austin Transportation Study Program.
- (E) The commission shall receive and study citizen comments and suggestions in all areas of transportation.

(F) In its deliberations, the commission shall:

- (1) recognize the relationship between transportation and economics, energy, safety, land use, neighborhood integrity, and environmental quality; and
- (2) consider transportation access to health care, employment, education, housing, and recreational facilities.

(G) The commission shall seek to promote close cooperation between the city council, other city boards and commissions, city departments, and individuals, institutions, and agencies concerned with transportation-related activities so that all similar activities in the City may be coordinated to secure the greatest public welfare.

§ 2-1-186 WATER AND WASTEWATER COMMISSION.

(A) The Water and Wastewater Commission members should have resided within the city for at least six months before their appointment, but a member may reside outside the city if the member's residence is inside the utility's service area. Not more than two members should be involved in development or development-related activities.

(B) The commission shall:

- (1) review, analyze, and advise the city council on the policies and resources relating to the city water and wastewater utility and water quality; and
- (2) assist the city council in ensuring that the City's residents are provided with an adequate, economical, and potable supply of water and a stable, economical, and environmentally safe system of wastewater disposal.

(C) The commission shall act as an advisory body to the city council and shall review programs and make recommendations regarding:

- (1) the protection and integrity of the water resources for the City;
- (2) minimization of water quality impacts to downstream areas;
- (3) implementation of programs that achieve goals and objectives relating to water supply management, water demand management, and land water quality control;
- (4) the fiscal solvency of said programs; and
- (5) the fiscal health of the utility.

- (D) The commission shall develop an annual program setting out the commission's goals and objectives, and the activities needed to achieve these goals and objectives in the following areas, for the year covered by the program:
- (1) water supply distribution;
 - (2) water demand and conservation management;
 - (3) wastewater treatment and collection;
 - (4) water quality;
 - (5) service area master planning and capital improvement project development;
 - (6) utility operating budget;
 - (7) rates and fees; and
 - (8) citizen education.
- (E) The commission may review and make reports and recommendations to the city council, or other appropriate boards and commissions, concerning the following matters:
- (1) water and wastewater capital improvement program proposals;
 - (2) water and wastewater bond programs;
 - (3) monitoring of capital recovery fee revenues on a quarterly basis, and review of capital recovery fee dollar amount on an annual basis from the effective date of capital recovery fee ordinance;
 - (4) review of the City's annual budget proposal for the water and wastewater utility;
 - (5) quarterly review of water and wastewater ending balances;
 - (6) cost effectiveness and financial impact on water supply and water conservation programs;
 - (7) water and wastewater tap and connection fees;
 - (8) quarterly review of the utility's total bonded indebtedness, including:
 - (a) contracts bonds approval, issuance, and expenditure: proposed and approved by council action, and issued;

- (b) revenue bonds approval, issuance and expenditure: proposed and approved by council action, and issued; and
 - (c) municipal utility district bonds;
 - (9) water and wastewater service extension requests and policy;
 - (10) water treatment water supply, capacity, and demand projections;
 - (11) water and wastewater treatment capacity, loadings, and effluent quality and quantity by the City on a monthly basis;
 - (12) proposed and existing wastewater package treatment plants within the City's extraterritorial jurisdiction;
 - (13) desired service areas that the City should serve and the timing of the service;
 - (14) creation of area package treatment plant and alternative wastewater system conservation proposals;
 - (15) creation or modification of municipal utility districts, water control and improvement districts, and all other entities authorized by the Texas Water Code;
 - (16) water and wastewater treatment processes;
 - (17) review and recommendation to the city council regarding all water and wastewater rates and fees;
 - (18) annual review of the effectiveness of erosion and sedimentation controls and drainage criteria in protecting water quality; and
 - (19) monthly review of water and wastewater discharge by the City.
- (F) The commission may obtain information from the Water Utility and communicate to the city council as follows:
- (1) coordination with staff to develop programs to implement commission duties and responsibilities;
 - (2) evaluation of the economic feasibility and impacts of commission goals and objectives programs;
 - (3) coordination with the staff time and resource requirements for liaison activities with the commission;

- (4) policy and budgetary recommendations to the city council relating to program implementation;
 - (5) periodic review of staff progress toward successful completion of utility programs;
 - (6) review of staff reports and studies relating to commission programs, including economic and rate impacts and environmental effects;
 - (7) review of development of program implementation strategies; and
 - (8) review of monitoring and enforcement of programs.
- (G) The commission shall promote close cooperation and open communication between the city council, other City boards, commissions and committees, City departments and individuals, and institutions and agencies concerned with the policies and procedures and operation, maintenance and construction of the Water and Wastewater Utility so that all similar activities in the City may be coordinated to secure the greatest public welfare.

§ 2-1-187 ZONING AND PLATTING COMMISSION.

- (A) The Zoning and Platting Commission shall perform duties relating to land use and development as prescribed by Title 25 (*Land Development*) and other duties as assigned by the city council.
- (B) The commission is abolished on June 18, 2010 unless it is continued in existence by ordinance. On abolition, its duties are transferred to the Planning Commission.

PART 3. Section 2-7-71 (*Definition*) of the City Code is amended to read:

§ 2-7-71 DEFINITIONS [DEFINITION].

In this article;

- (1) CITY OFFICIAL [~~“city official”~~] means the mayor, members of the city council and their aides, Municipal Court Judges (including Substitute Judges), city manager, Assistant city managers, city clerk, Deputy city clerks, city attorney, Deputy city attorneys, Treasurer, Comptroller, City Auditor, Purchasing Officer, the initial and subsequent commissioners of the Conventions and Visitors Commission, all department heads, deputy department heads, and where no deputy department head serves, the first principal assistant of such department, and spouses of each, and spouses of and the members of the [~~all~~] City boards and [~~5~~] commissions described

in Section 2-7-72(C) (*Reports*). [~~committees, or task forces or other bodies, unless specifically exempted from financial disclosure by the city council or hereinafter excluded.~~] City appointees to other governmental bodies may be required to file financial information statements without being deemed City officials under Section 2-7-2 (*Definitions*).

(2) SPOUSE of a City official includes a domestic partner, which means an individual who lives in the same household and shares common resources of life in a close, personal, intimate relationship with the City official if under Texas law the individual would not be prevented from marrying the City official on account of age, consanguinity, or prior undissolved marriage to another. A domestic partner may be of the same, or opposite, gender as the City official.

PART 4. Section 2-7-72 (*Reports*) of the City Code is amended to read as follows:

§ 2-7-72 REPORTS.

(A) By the last Friday of April of each year, City officials shall file with the city clerk a public statement of financial information which shall cover the previous year which is defined as January 1 through December 31. The mayor and members of the city council [~~and the following boards and commissions~~] and spouses shall also file with the city clerk an updated statement of financial information by the last Friday of July for the previous period of January through June. [÷

(1) ~~Board of Adjustment;~~

(2) ~~Ethics Review Commission;~~

(3) ~~Planning Commission and the Zoning and Platting Commission; and~~

(4) ~~Water and Wastewater Commission.]~~

Such updated statement shall only include any change in a “substantial interest” or “substantial interest in real property” as defined in Section 2-7-2 (*Definitions*) since the last filed statement.

(B) [~~Any person appointed to one of the boards, commissions or committees covered by Section 2-7-71 (*Definition*), upon acceptance of such appointment, shall be required to file a letter of intention to file a financial information statement.] Any non-elective City officials covered by Section 2-7-71 (*Definition*) who are appointed or hired shall file an initial statement of financial information for the previous calendar year within 30 days of being hired or appointed. Thereafter, such person shall, within the time limits~~

provided by this article, file a statement of financial information for the full appropriate reporting period. ~~[, regardless of whether such appointee subsequently resigns from the board, commission or committee to which he accepted appointment. In addition, any person who was a City official at any time during a reporting period shall be required to file a statement of financial information for the full appropriate reporting period, within the time limits provided by this article.]~~ However, any salaried City official who resigns or is terminated for any reason shall file with the city clerk a public statement of financial information which shall cover the current year to the date of resignation or termination on or before his last day as a salaried employee. In such event, a salaried employee shall not be required to file a public statement of financial information for the year in which the resignation or termination occurred. He shall, at that time, also file a statement of financial information for the previous year if one has not been submitted prior to the employee's termination date. ~~[Board and commission members who resign may, at their option, file any statement not yet filed for the previous year and a statement for the current year to the date of resignation, at the time of their resignation in lieu of filing at the regular times set out above.]~~

(C) The members of the following boards and commissions shall report the information required by Subsection (E) ~~[subsections (G)(1) through (G)(13)]~~:

~~[(1) Airport Zoning Board (City appointees);]~~

(1) ~~[(2)]~~ Arts Commission;

~~[(3) Austin/Travis County Appraisal District Board of Directors (City appointees);]~~

(2) ~~[(4)]~~ Board of Adjustment;

~~[(5) Building and Fire Code Board of Appeals;~~

~~(6) Building Standards Commission;~~

~~(7) Cable commission;~~

~~(8) CAPCO (City appointees);~~

~~(9) Capital Metropolitan Transit Authority Board (City appointees);~~

~~(10) Civil Service Commission;~~

~~(11) Electric Board;~~

~~(12) Ethics Review Commission;~~

(3) Environmental Board;

(4) [(13)] Historic Landmark Commission;

(5) [(14)] Housing Authority of the City of Austin;

~~[(15) Mechanical, Plumbing and Solar Board;~~

~~(16) Mental Health and Mental Retardation Center Board of Trustees;~~

~~(17) Music Commission;~~

(6) [(18)] Parks and Recreation Board;

(7) [(19)] Planning Commission;

~~[(20) Renaissance Market Commission;~~

~~(21) Solicitation Board;~~

(8) Solid Waste Advisory Commission;

(9) [(22)] Water and Wastewater Commission;

(10) [(23)] Urban Renewal Agency [Board of Directors]; and

(11) [(24)] Zoning and Platting Commission.

~~[(D) The members of the following boards and commissions shall report only the information required by subsections (G)(8), (G)(9), and (G)(13) of this section:~~

~~(1) Community Development Commission;~~

~~(2) Construction Advisory Committee;~~

~~(3) Conventions and Visitors Commission;~~

~~(4) Downtown Commission;~~

~~(5) Economic Development Commission;~~

~~(6) Electric Utility Commission;~~

~~(7) Employees' Retirement System;~~

~~(8) Environmental Board;~~

- ~~(9) Firemen's Relief and Retirement Fund Board of Trustees;~~
- ~~(10) Brackenridge Hospital Oversight Council;~~
- ~~(11) Minority-Owned and Women-Owned Business Procurement Program Advisory Committee;~~
- ~~(12) Police Retirement Board;~~
- ~~(13) Resource Management Commission;~~
- ~~(14) Urban Transportation Commission; and~~
- ~~(15) All boards and commissions not otherwise listed herein or specifically exempted from disclosure by the city council.]~~

~~(D)~~ ~~[(E)]~~ In addition to other required information, the mayor and members of the city council shall report the amount or category of information as designated in Section 2-7-73 (*Categories*), for any item reported under Subsection (E)(1), (3), (4), (6), (7), (10), (11), or (12) [~~subsection (G)(1), (3), (4), (6), (7), (10), (11) and (12) of this section~~].

~~[(F)]~~ The members of the following boards and commissions are not required to file a public statement of financial information:

- ~~(1) Child Care Commission;~~
- ~~(2) Commission for Women;~~
- ~~(3) Elizabeth Ney Museum Board;~~
- ~~(4) Austin-Travis County EMS Advisory Board;~~
- ~~(5) Human Rights Commission;~~
- ~~(6) Joint Commission on Metropolitan Government;~~
- ~~(7) Library Commission;~~
- ~~(8) Mayor's Committee for People With Disabilities;~~
- ~~(9) Medical Assistance Program Advisory Board;~~
- ~~(10) Urban Forestry Board; and~~
- ~~(11) Animal Advisory Commission.]~~

(E) [~~(G)~~] A City official shall include the following information by separate listing in the required statement of financial information, such information to include the source of income or assets and liabilities of their spouses but shall not require a separate report by such official's spouse:

- (1) All sources of occupational income which exceed 10 percent of the official's gross income or \$5,000 in salary, bonuses, commissions or professional fees; or \$20,000 in payment for goods, products or nonprofessional services, excluding the amount but including the name and address of the employer or source of income, and the nature of the occupation or business of each source.
- (2) If the official is a self-employed solo practitioner, or if the official owns or controls at least a five percent interest in a partnership, professional corporation or other entity through which the official does business, the official shall report the names and addresses of the clients or customers from whom the official, partner-ship, professional corporation, or other entity received at least 10 percent of its gross income or \$5,000 in salary, bonuses, commissions or professional fees; or \$20,000 in payment for goods, products or nonprofessional services of gross income during the reporting period.
- (3) An itemized list of all sources of income from interest, dividends, royalties, rents, trust disbursements, or other non-occupational sources, excluding the amount, but identifying the source, for each such source exceeding either 10 percent of the official's gross income or \$5,000.
- (4) The identification of any person, business entity or other organization from whom the City official reporting has received a gift or favor of any money or other thing of value in excess of \$100, or a series of gifts from the same source during the reporting period the total value of which exceeds \$100, excluding the value of the gift, but including the identification of the source. Excluded from this requirement are campaign contributions which are reported as required by state statute and gifts received from the following relatives:
 - (a) spouse;
 - (b) children;
 - (c) parents;
 - (d) grandchildren;

- (c) grandparents;
 - (f) brothers;
 - (g) sisters;
 - (h) uncles;
 - (i) aunts;
 - (j) nephews;
 - (k) nieces;
 - (l) first cousins;
 - (m) children-in-law;
 - (n) parents in-law;
 - (o) grandchildren-in-law;
 - (p) grandparents-in-law;
 - (q) brothers-in-law;
 - (r) sisters-in-law;
 - (s) uncles-in-law;
 - (t) aunts-in-law;
 - (u) nephews-in-law;
 - (v) nieces-in-law; and
 - (w) first cousins-in-law.
- (5) The name of any corporation, partnership, limited partnership, or other entity in which the official held, owned, acquired, or sold stock or other equity ownership having a value exceeding \$5,000 or equivalent to five percent or more of the stock or equity in the entity.
- (6) A description, excluding the face amount, of all bonds, notes and other commercial paper which the official held, owned, acquired, or sold at any time during the reporting period if the combined face value of the bond, notes and commercial paper exceeds \$5,000.

- (7) Any other income or revenue of the official in excess of \$5,000, including a description of sources, but excluding amounts.
- (8) An itemized list of all real property in which the official holds any legal or beneficial interest, including real property for which the official has entered into a contract for sale, and including a description sufficient to locate the property, stating the state address, if any, and the present use of the property.
- (9) An itemized list of all real property held, owned, acquired, sold or under contract for sale by a corporation, partnership, limited partnership, professional corporation, or other entity in which the official owns or controls at least a five percent interest, including a description sufficient to locate the property, stating the street address, if any, and the present use of the property.
- (10) All loans and extensions of credit exceeding \$5,000 on which the official is lender or creditor, excluding the amount of the loan or extension of credit but including the name of the debtor and the rate of interest, if any.
- (11) All loans or transactions exceeding \$5,000 on which the official is a guarantor or co-signor, excluding the amount of the loan or guarantee, but including the names of the borrower and lender.
- (12) All loans to, debts of, and other financial liabilities of the official which are in excess of \$5,000 and all loans to, debts of and other financial liabilities of any corporation, partnership, limited partnership, professional corporation or other entity in which the official owns or controls at least five percent interest, which liabilities exceed \$5,000. For all debts, loans and liabilities presently outstanding or which existed at any time during the reporting period, the official shall state when the liability was incurred, the rate of interest being charged, if any, and the name of the lender, creditor or obligee, but not the amount of the liability.
- (13) All boards of directors of which the official is a member and the offices or executive positions which the official holds in corporations, partnerships, limited partnerships, professional corporations or other entities, including non-business entities, stating for each the name of the entity and the position held. There shall be excluded from this item positions on corporations or other entities owned by the City or created by the city council.

(F) ~~(H)~~ If, during a reporting period, the mayor or member of the city council has accepted the offer of any trip or excursion from a person or entity other than the

City, then he shall report the following to the city clerk before embarking on such a trip or excursion:

- (1) the name of the sponsor;
- (2) the place or places to be visited;
- (3) the purpose of such a trip or excursion; and
- (4) the date and duration of any such trip or excursion.

Within 15 days of return from such a trip or excursion, the mayor or Councilmember shall report to the city clerk the approximate value of such a trip or excursion.

(G) ~~(H)~~ If any City official or City employee has accepted any item by way of gift or loan on behalf of the City, such gift or loan must be promptly reported to the city manager or his designee who shall have the gift or loan inventoried as City property in the case of a gift, or as a loan to the City in the case of a loan.

PART 5. This part applies to a board that is subject to Chapter 2-1 (*City Boards*), as adopted by this ordinance.

(A) Unless otherwise provided in Chapter 2-1 (*City Boards*), the council shall assign each board member a position that corresponds to a council position or the mayor's position. If a board currently has more than the number of positions authorized by Chapter 2-1 (*City Boards*), the council shall designate the additional positions as "excess positions".

- (1) All vacant excess positions are eliminated as of December 10, 2007.
- (2) All other excess positions are eliminated on July 31, 2008.
- (3) A member who holds an excess position and whose term expires or has expired may continue to hold the position until July 31, 2008.
- (4) During a time period when a board has excess positions, the quorum shall be a majority of the regular positions and the excess positions. For example, the quorum for an eight or nine position board is five, and the quorum for a 10 or 11 position board is six.

(B) The term for a regular board member's position expires on July 31st of the year of the general election for the corresponding council position or the mayor's position, as applicable.

PART 6. This part applies to a board member serving on December 10, 2007.

- (A) A serving or carry-over board member shall complete the training described in Section 2-1-23 (*Training*) not later than April 8, 2008.
- (B) A board member who fails to complete the required training automatically vacates his or her position and is not eligible for reappointment until the member completes the required training.
- (C) The city clerk shall notify the nominating council member if a board member's training record creates an automatic vacancy that requires a new appointment.

PART 7. The boards, commissions, and other advisory bodies that existed before the repeal and replacement of Chapter 2-1 by this ordinance are continued in existence.

PART 8. Each board shall adopt the City's standard board bylaws not later than January 23, 2008. Each board shall elect interim officers at the first regular meeting after the bylaws are adopted, and the interim officers shall serve until the first annual election prescribed in the bylaws.

PART 9. In amending Section 2-7-72 (*Reports*), the council selected for financial reporting the members of boards that deal with land development, city contracts, grants, or housing contracts. When a new board is created, this standard should be applied to determine whether the new board members will be required to file financial reports.

PART 10. The council previously granted a lifetime appointment to Beverly Larkam as an emeritus member of the Commission For Women. The emeritus member may continue to serve as an eighth board member and may vote on any matter considered by the commission.

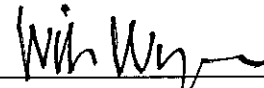
PART 11. Sections 2-8-22, 2-8-23, and 2-10-35 of the City Code are repealed.

PART 12. This ordinance takes effect on December 10, 2007.


PASSED AND APPROVED

November 29, 2007

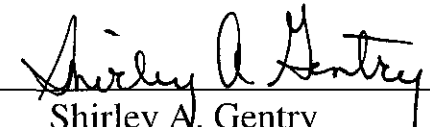
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Will Wynne
Mayor

APPROVED: 

David Allan Smith
City Attorney

ATTEST: 

Shirley A. Gentry
City Clerk