

ORDINANCE NO. 20080214-012

AN ORDINANCE AMENDING TITLE 2 OF THE CITY CODE RELATING TO CITY BOARDS; ADOPTING THE CITY'S STANDARD BYLAWS FOR BOARDS; AND PROVIDING FOR EMERGENCY PASSAGE.

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

PART 1. Section 2-1-22(C) (*Membership Term And Limitation*) of the City Code is amended to read:

- (C) A board member who has served nine years on the same board is not eligible for reappointment to that [a] board until the expiration of two years after the last date of the member's service on that [the] board.

PART 2. Section 2-1-24 (*Conflict Of Interest And Recusal*) of the City Code is amended to delete Subsections (C) – (F) and reletter the remaining subsection accordingly.

PART 3. Section 2-1-44(B) (*Meeting Procedures*) of the City Code is amended to read:

- (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.

PART 4. Section 2-1-102 (*Animal Advisory Commission*) of the City Code is amended to read:

§ 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, nominated by the mayor;
 - (2) one [~~county or~~] city official, nominated by the Place 2 council member;
 - (3) one person whose duties include the daily operation of an animal shelter, nominated by the Place 3 council member; [~~and~~]

(4) one animal welfare organization representative, nominated by the Place 6 council member;

(5) one person recommended by the Travis County Commissioners Court, nominated by the Place 4 council member;

(6) one person nominated by the Place 1 council member; and

(7) one person nominated by the Place 5 council member.

~~[(C) The mayor shall nominate as a commissioner one person recommended by the Travis County Commissioners Court.]~~

(C) ~~[(D)]~~ A commissioner need not be a city resident.

(D) ~~[(E)]~~ The commission shall meet not less often than three times a year.

(E) ~~[(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.

PART 5. Section 2-1-109 (*Austin Music Commission*) of the City Code is amended to amend Subsections (B) and (C) to read as follows and delete Subsection (E):

(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; and

(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.]~~

PART 6. Section 2-1-123 (*Child Care Council*) of the City Code is amended to read:

§ 2-1-123 CHILD CARE COUNCIL.

(A) The Child Care Council is composed of 13 [24] community leaders as members. The Child Care Council may include representatives from the Texas Department of Human Services, a local Head Start grantee, a local child care resource and referral agency, and a local WorkSource board's child care contractor. Three of the Child Care Council members need not be City residents.

(1) The city council shall appoint 11 [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.]~~

(B) [~~(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; and
- (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.]~~

(C) ~~[(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.

PART 7. Section 2-1-127 (*Community Development Commission*) of the City Code is repealed and replaced with a new Section 2-1-127 to read:

§ 2-1-127 COMMUNITY DEVELOPMENT COMMISSION.

- (A) The Community Development Commission is composed of 15 members appointed by the council, as follows:
 - (1) seven members nominated by residents from each of the geographic areas designated in Subsection (B);
 - (2) a member nominated by each member of the city council; and
 - (3) one additional member.
- (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, and shall designate a seat on the commission to represent the poor in each designated area.

- (C) The city manager shall establish by rule a method for residents in each area designated in Subsection (B) to nominate a person to serve on the commission in the seat designated to represent that area.
- (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.

PART 8. Section 2-1-130 (*Downtown Austin Community Court Advisory Committee*) is amended to read:

§ 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, downtown residents, 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*).]~~

PART 9. Section 2-1-141 (*Downtown Commission*) of the City Code is amended to amend Subsections (A), (B), and (C) to read:

- (A) The Downtown Commission is composed of 15 ~~[14]~~ members appointed by the city council.
 - (1) The mayor may nominate two commission members and each other ~~[Each]~~ council member may nominate one ~~[two]~~ commission member ~~[members]~~ to be appointed by council.
 - (2) The council shall also appoint seven commissioners from the membership of the boards and commissions described in Subsection (C). One commissioner is to be appointed from each board or commission to serve as a representative of that board or commission. The terms of these Downtown Commission members shall coincide with their terms on the board or commission that they represent.
- (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;]-~~

(3) ~~[(4)]~~ Capital City African American Chamber of Commerce;

(4) ~~[(5)]~~ Downtown Austin Alliance;

~~[(6) East Eleventh Street Village Association;]-~~

(5) ~~[(7)]~~ East Sixth Street merchants and residents;

(6) ~~[(8)]~~ Greater Austin Chamber of Commerce;

(7) ~~[(9)]~~ Hispanic Chamber of Commerce;

~~[(10) Ole' Mexico;]-~~

(8) ~~[(11)]~~ Regional/Urban Design Assistance Team;-

(9) ~~[(12)]~~ Women's Chamber of Commerce; and

(10) ~~[(13)]~~ Urban Land Institute.

(C) Each [A representative from each] of the following boards and commissions shall recommend one of its members for appointment to ~~[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.

PART 10. Section 2-1-145 (*Ethics Review Commission*) of the City Code is amended to read:

§ 2-1-145 ETHICS REVIEW COMMISSION.

The Ethics Review Commission has duties and responsibilities established by Chapter 2-2 (Campaign Finance) and Chapter 2-7 (Ethics And Financial Disclosure) [~~is created and governed by Chapter 2-7, Article 2 (Ethics Review Commission)~~].

PART 11. Section 2-1-168 (*Resource Management Commission*) of the City Code is amended to delete Subsection (H).

PART 12. Section 2-1-184 (*Urban Renewal Agency*) of the City Code is amended to add Subsections (D) and (E) to read:

- (D) A member serves a two-year term. If a vacancy occurs, the governing body shall fill the vacancy for the unexpired term in the same manner as the initial appointment.
- (E) The governing body may remove a member for inefficiency, neglect of duty, or misconduct in office after notice of the charges and a hearing. The member must receive a copy of the charges before the 10th day before the date of the hearing and must have the opportunity to be heard either in person or by counsel.

PART 13. Section 2-7-26 (*Created; Functions*) of the City Code is amended to read:

§ 2-7-26 [~~CREATED;~~] FUNCTIONS.

The [~~An~~] Ethics Review Commission [~~is created. It~~] shall have the duty and power, unless otherwise provided, to rule upon the appropriate disposition of allegations of violations of this chapter.

PART 14. Section 2-7-29 (*Meetings*) of the Code is amended to read:

§ 2-7-29 REPORTS; OPINIONS [~~MEETINGS~~].

~~[The Ethics Review Commission shall have regular quarterly meetings and such other meetings as may be necessary to fulfill its responsibilities.]~~ The commission shall receive reports of briefings regarding this chapter of newly appointed and employed board and commission members and employees and copies of public opinions related to this chapter that have been issued by the city attorney since the last meeting. [~~The chairperson or any four members of the commission may call a meeting provided that reasonable notice is given to each member and to any person who requests notice of such meetings.~~]

PART 15. The references to “Section 2-1-381 (*Establishment; Members*)” are changed to “Section 2-1-163 (*Minority-Owned And Women-Owned Business Enterprise And*

Small Business Enterprise Procurement Program Advisory Committee)” in the following sections of the City Code:

- (A) Section 2-9-4(24) (*Definitions*);
- (B) Section 2-9A-4(29) (*Definitions*);
- (C) Section 2-9B-4(29) (*Definitions*);
- (D) Section 2-9C-4(29) (*Definitions*); and
- (E) Section 2-9D-4(30) (*Definitions*).

PART 16. The references to “Chapter 2-1, Article 38” are changed to “Section 2-1-163 (*Minority-Owned And Women-Owned Business Enterprise And Small Business Enterprise Procurement Program Advisory Committee*)” in the following sections of the City Code:

- (A) Section 2-9A-13 (*MBE/WBE And Small Business Advisory Committee*);
- (B) Section 2-9B-13 (*MBE/WBE And Small Business Advisory Committee*);
- (C) Section 2-9C-13 (*MBE/WBE And Small Business Advisory Committee*); and
- (D) Section 2-9D-13 (*MBE/WBE And Small Business Advisory Committee*).

PART 17. The following sections of the City Code are repealed:

- (A) Section 2-7-27 (*Members*);
- (B) Section 2-7-28 (*Officers; Quorum*); and
- (C) Section 2-10-35 (*Advisory Committee*).

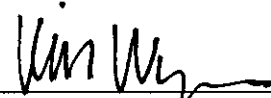
PART 18. The council adopts the standard bylaws for City boards attached as Exhibit A. The Council Audit and Finance Committee may modify the standard bylaws.

PART 19. The council finds that the need for the City's boards and commissions to function promptly and efficiently constitutes an emergency. Because of this emergency, this ordinance takes effect immediately on its passage for the immediate preservation of the public peace, health, and safety.

PASSED AND APPROVED

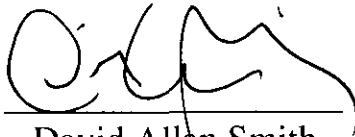
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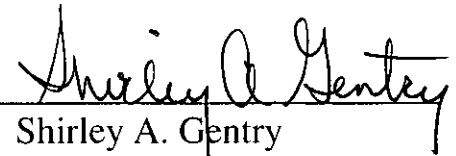
Will Wynn
Mayor

APPROVED:



David Allan Smith
City Attorney

ATTEST:



Shirley A. Gentry
City Clerk

EXHIBIT A

TEMPLATE FOR STANDARD CITY BOARD BYLAWS

(Instructions for completion of the bylaws are contained in italicized parentheses. Delete the parentheses from final version.)

BYLAWS OF THE

(Board Name)

ARTICLE 1. NAME.

The name of the board is _____ *(board name)*

ARTICLE 2. PURPOSE AND DUTIES.

The purpose of the board is _____. *(Insert the information from the City Code provision establishing the board.)*

ARTICLE 3. MEMBERSHIP.

- (A) The board is composed of seven members appointed by the city council *(If the council has approved a board with more or fewer than seven members, the number must be changed to indicate that. If some members are appointed by other entities, modify this paragraph to state the total number of members and then specify the number appointed by each entity. For example: "The board is composed of nine members. Seven members are appointed by the city council. Two members are appointed by the Travis County commissioners court.")*
- (B) A member serves at the pleasure of the city council. *(If some members are appointed by other entities, then modify this to say "A member serves at the pleasure of the appointing body." If members can only be removed for cause, delete or modify this paragraph.)*
- (C) Board members serve for a term of three years beginning August 1st on the year of appointment. *(If council has approved terms of a different length, modify this accordingly.)*
- (D) An individual board member may not act in an official capacity except through the action of the board.
- (E) A board member who is absent for three consecutive regular meetings or one-third of all regular meetings in a twelve month time period automatically vacates the member's position. This does not apply to an absence due to illness or injury if the member notifies the staff liaison of the reason for the absence no later than the next meeting of the board.

- (F) At each meeting, each board member shall sign an attendance sheet which indicates that the member does not have a conflict of interest with any item on that agenda, or identifies each agenda item on which the member has a conflict of interest.
- (G) A member who seeks to resign from the board shall submit a written resignation to the chair of the board, the staff liaison, or the city clerk's office. If possible, the resignation should allow for a thirty day notice so the city council can appoint a replacement.

ARTICLE 4. OFFICERS.

- (A) The officers of the board shall consist of a chair and a vice-chair. *(If these officers are not appropriate, modify this list and Article 5, Duties of Officers)*
- (B) Officers shall be elected annually by a majority vote of the board at the first regular meeting after August 1st. *(A more precise date may be substituted, consistent with the meeting schedule in Article 7, Meetings.)*
- (C) The term of office shall be one year, beginning ____ and ending _____. An officer may continue to serve until a successor is elected. An officer may be reelected for not more than one additional one-year term *(The beginning and ending dates are determined by the meeting schedule in Article 7, Meetings.)*
- (D) A member may not hold more than one office at a time.

ARTICLE 5. DUTIES OF OFFICERS.

- (A) The chair shall preside at board meetings, appoint all committees, and represent the board at ceremonial functions.
- (B) In the absence of the chair, the vice-chair shall perform all duties of the chair.

ARTICLE 6. AGENDAS.

- (A) Two or more board members may place an item on the agenda by oral or written request to the staff liaison at least five days before the meeting.
- (B) The staff liaison shall prepare and distribute the agenda to the board members not less than 72 hours before the meeting.
- (C) Posting of the agenda must comply with Texas Government Code Chapter 551 (Texas Open Meetings Act)

ARTICLE 7. MEETINGS.

- (A) The board meetings shall comply with Texas Government Code Chapter 551 (Texas Open Meetings Act).

- (B) Board meetings shall be governed by Robert's Rules of Order.
- (C) The board may not conduct a closed meeting without the approval of the city attorney.
- (D) The regular meeting of the board shall be held on the _____ (*Example. fourth Tuesday of each month*) at _____ p.m., at _____ (*location*) unless otherwise determined by the board. If the regular meeting day is a holiday, the meeting will be held on the following _____ (*Example. Tuesday*) of the month. (*Most boards are required to meet not less often than quarterly.*)
- (E) The chair may call a special meeting, and the chair shall call a special meeting if requested by three or more members. The call shall state the purpose of the meeting. A notice of a special meeting must be in writing and sent to all members at least three days before the meeting.
- (F) Four members constitute a quorum. (*For a board with more or fewer than seven members, the number should be changed to equal a majority of the members.*)
- (G) If a quorum for a meeting does not convene within one-half hour of the posted time for the meeting, then the meeting may not be held.
- (H) To be effective, a board action must be adopted by affirmative vote of not less than the four members. (*For a board with more or fewer than seven members, the required number of votes is the same as the number of members that constitute a quorum.*)
- (I) The chair has the same voting privilege as any other member.
- (J) The board shall allow citizens to address the board on agenda items and during a period of time set aside for citizen communications. The chair may limit a speaker to three minutes.
- (K) The staff liaison shall prepare the board minutes. The minutes of each board meeting must include the vote of each member on each item before the board and indicate whether a member is absent or failed to vote on an item.
- (L) The _____ (*liaison department name*) shall retain all official board documents. The documents are public records under Texas Local Government Code Chapter 552 (Texas Public Information Act).
- (M) The chair shall adjourn a meeting not later than 10 p.m., unless the board votes to continue the meeting.

ARTICLE 8. COMMITTEES.

(The board may establish standing committees from its members, as needed, to conduct their business. Each committee should be named and their responsibilities described in this article.)

- (A) Each committee shall consist of at least three board members appointed by the chair and a staff member appointed by the director of the _____ (*department name*). The staff member is an ex-officio, non-voting member of the committee.
- (B) The board chair shall appoint a committee member as the committee chair, with the member's consent. The board chair shall be an ex-officio, non-voting member of all standing committees.
- (C) Each standing committee shall meet on a regularly scheduled basis at least quarterly.
- (D) Each standing committee shall make an annual report to the board at the January board meeting.
- (E) The chair may, with the board's approval, appoint special committees. The chair shall provide board members with prior notice of intent to appoint a special committee
- (F) Committee meetings must be posted in accordance with Texas Government Code Chapter 551 (Texas Open Meetings Act).

ARTICLE 9. PARLIAMENTARY AUTHORITY.

The rules contained in the current edition of Robert's Rules of Order shall govern the board in all cases to which they are applicable, except when inconsistent with these bylaws or with special rules of order which the board or city council may adopt.

ARTICLE 10. AMENDMENT OF BYLAWS.

A bylaw amendment is not effective unless approved by the Council Audit and Finance Committee