



MEMORANDUM

TO: 2012 Charter Revision Committee
FROM: Sabine Romero, Assistant City Attorney, Law Department
DATE: September 15, 2011
SUBJECT: Proposed Changes to the City Charter Regarding Elections & Governance

On April 28, 2011, Council passed Resolution 20110428-048, regarding charter amendments, and on June 23, 2011, Council passed Resolution 20110623-094, also regarding charter amendments.

Both resolutions requested that staff draft possible city charter amendments, addressing changes to city elections, governance, and campaign finance. The draft language submitted to Council is included with this memo as **Attachment A** and **Attachment B**.

Please note that the language presents each proposed charter amendment individually and does not combine proposed charter amendments that affect the same section of the charter. This approach allows this body to provide recommendations regarding which elements if any should ultimately go on the ballot (increase the number of seats, integrate single member districts, stagger terms, change length of terms, change election date, personnel items) and which of those elements if any should be combined on the ballot.

Attachment A
Resolution 20110428-048
Draft Charter Amendment Language

***A1. a) Adding geographic representation and members to the Council
for a 6-2-1 system***

See Ordinance 20020321-15A for an additional example of charter transition language.

ARTICLE II. THE COUNCIL.

§1. NUMBER, SELECTION AND TERM OF OFFICE.

The council shall be composed of nine (9)~~seven (7)~~ councilmembers who, unless sooner removed under the provisions of this Charter, shall hold their offices for a term of three (3) years beginning on a date established by council by ordinance not later than eight (8) weeks after the date of an election for mayor or a councilmember or until their successors have been elected and duly qualified. The councilmembers in Place 1, 2, 3, 4, 5, and 6 shall be elected from geographic districts. The mayor and councilmembers in Places 7 and 8 shall be elected from the city at large, and each Each councilmember shall be elected to and occupy a place on the council, such places being numbered and designated 1, 2, 3, 4, 5, 6, 7, 8, and mayor. The mayor and the councilmembers serving in Place 2, Place 5, and Place 6 shall be elected in 2006 and every three years thereafter. The councilmembers serving in Place 1, Place 3, and Place 4 shall be elected in 2008 and every three years thereafter. The councilmembers in Place 7 and Place 8 shall be elected in 2013 and every three years thereafter. Council shall provide by ordinance for any transition in council number, selection, or term mandated by a charter amendment election, including lengthening and shortening terms as necessary.

ARTICLE II. THE COUNCIL.

§ 11. RULES OF PROCEDURE.

The council shall by ordinance determine its own rules and order of business. A majority or more of all elected~~Four (4) or more~~ councilmembers shall constitute a quorum, but no action of the council shall be of any force or effect unless it is adopted by the favorable votes of a majority or more of all elected~~four (4) or more of the~~ councilmembers. Minutes of all meetings of the council shall be taken and recorded, and such minutes shall constitute a public record.

Attachment A
Resolution 20110428-048
Draft Charter Amendment Language

A1. b) Adding representation to the Council but retaining at-large seats for an 8-1 system

See Ordinance 20020321-15A for an additional example of charter transition language.

ARTICLE II. THE COUNCIL.

§1. NUMBER, SELECTION AND TERM OF OFFICE.

The council shall be composed of nine (9)~~seven (7)~~ councilmembers who, unless sooner removed under the provisions of this Charter, shall hold their offices for a term of three (3) years beginning on a date established by council by ordinance not later than eight (8) weeks after the date of an election for mayor or a councilmember or until their successors have been elected and duly qualified. The councilmembers in Place 1, 2, 3, 4, 5, 6, 7, and 8 shall represent geographic districts and be elected at large. The mayor shall be elected from the city at large, ~~and each~~ Each councilmember shall be elected to and occupy a place on the council, such places being numbered and designated 1, 2, 3, 4, 5, 6, 7, 8, and mayor. The mayor and the councilmembers serving in Place 2, Place 5, and Place 6 shall be elected in 2006 and every three years thereafter. The councilmembers serving in Place 1, Place 3, and Place 4 shall be elected in 2008 and every three years thereafter. The councilmembers in Place 7 and Place 8 shall be elected in 2013 and every three years thereafter. Council shall provide by ordinance for any transition in council number, selection, or term mandated by a charter amendment election, including lengthening and shortening terms as necessary.

ARTICLE II. THE COUNCIL.

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Attachment A
Resolution 20110428-048
Draft Charter Amendment Language

A.2. a) Moving the date of Austin's municipal elections from May to November in odd numbered years

ARTICLE III. ELECTIONS.

§2. ELECTION BY MAJORITY AND RUN-OFF ELECTIONS.

The regular election of the Mayor and councilmembers shall be held on the November ~~May~~ uniform election date of odd-numbered years authorized by state law. At every regular election and at every special election called to fill one or more vacant places on the council, election to each place on the council shall be by a majority of all the votes cast for such place at such election. In every such election each qualified voter shall vote for not more than one candidate for each council place to be filled. Where in an election to a place on the council, no candidate receives a majority of all the votes cast for such place at such election, the council shall, immediately upon declaring the official results of the election, issue a call for a run-off election for every place to which no one was elected. Such run-off election shall be held in accordance with state law and the two (2) candidates who received in the preceding election the highest number of votes for each place to which no one was elected shall be voted on again, and the candidate who receives the majority of the votes cast for each such place in the run-off election shall be elected to such place. Council shall provide by ordinance for any transition in election date mandated by a charter amendment election, including lengthening and shortening terms as necessary.

Attachment A
Resolution 20110428-048
Draft Charter Amendment Language

A.2. b) Moving the date of Austin's municipal elections from May to November in even numbered years

ARTICLE III. ELECTIONS.

§2. ELECTION BY MAJORITY AND RUN-OFF ELECTIONS.

The regular election of the Mayor and councilmembers shall be held on the November ~~May~~ uniform election date of even-numbered years authorized by state law. At every regular election and at every special election called to fill one or more vacant places on the council, election to each place on the council shall be by a majority of all the votes cast for such place at such election. In every such election each qualified voter shall vote for not more than one candidate for each council place to be filled. Where in an election to a place on the council, no candidate receives a majority of all the votes cast for such place at such election, the council shall, immediately upon declaring the official results of the election, issue a call for a run-off election for every place to which no one was elected. Such run-off election shall be held in accordance with state law and the two (2) candidates who received in the preceding election the highest number of votes for each place to which no one was elected shall be voted on again, and the candidate who receives the majority of the votes cast for each such place in the run-off election shall be elected to such place. Council shall provide by ordinance for any transition in election date mandated by a charter amendment election, including lengthening and shortening terms as necessary.

Attachment A
Resolution 20110428-048
Draft Charter Amendment Language

- A3. *Changing the Terms of Office from three to four years***
A1. *Reduce City Council term limits from three terms to two terms, and prohibit Council members from switching places for the purpose of avoiding term limits*

Council requested that item A.3. from Resolution 20110428-048 be coupled with A.1. from Resolution 20110623-094, so these two items are presented together.

ARTICLE II. THE COUNCIL.
§1. NUMBER, SELECTION AND TERM OF OFFICE.

The council shall be composed of seven (7) councilmembers who, unless sooner removed under the provisions of this Charter, shall hold their offices for a term of four (4)~~three (3)~~ years beginning on a date established by council by ordinance not later than eight (8) weeks after the date of an election for mayor or a councilmember or until their successors have been elected and duly qualified. The councilmembers shall be elected from the city at large, and each councilmember shall be elected to and occupy a place on the council, such places being numbered and designated 1, 2, 3, 4, 5, 6 and mayor. The mayor and the councilmembers serving in Place 2, Place 5, and Place 6 shall be elected in 2006 and every four~~three~~ years thereafter. The councilmembers serving in Place 1, Place 3, and Place 4 shall be elected in 2008 and every four~~three~~ years thereafter. Council shall provide by ordinance for any transition in term mandated by a charter amendment election, including lengthening and shortening terms as necessary.

ARTICLE II. THE COUNCIL.
§3. TERM LIMITS.

- (A) Except as provided in Subsection (C), a person may not be elected to or serve in the office of Mayor for more than two (2)~~three~~ consecutive terms, and a person who has held the office of Mayor for more than two years of a term to which some other person was elected Mayor may only~~not~~ be consecutively elected to the office of Mayor once more ~~than twice~~ ~~succession~~.
- (B) Except as provided in Subsection (C), a person ~~shall not~~ ~~may not~~ ~~shall~~ be elected to or serve on the City Council in any ~~a~~ position other than Mayor for more than two (2)~~three~~ consecutive terms, and a person who has held a position other than Mayor for more than two years of a term to which some other person was elected to the position may only~~not~~ be consecutively elected to a position other than Mayor once more ~~than twice~~ ~~in succession~~. Term limits apply to the number of consecutive terms served, regardless of Place number.

Attachment A
Resolution 20110428-048
Draft Charter Amendment Language

A4. Eliminating staggered city council terms

ARTICLE II. THE COUNCIL.

§1. NUMBER, SELECTION AND TERM OF OFFICE.

The council shall be composed of seven (7) councilmembers who, unless sooner removed under the provisions of this Charter, shall hold their offices for a term of three (3) years beginning on a date established by council by ordinance not later than eight (8) weeks after the date of an election for mayor or a councilmember or until their successors have been elected and duly qualified. The councilmembers shall be elected from the city at large, and each councilmember shall be elected to and occupy a place on the council, such places being numbered and designated 1, 2, 3, 4, 5, 6 and mayor. ~~The mayor and the councilmembers serving in Place 2, Place 5, and Place 6 shall be elected in 2006 and every three years thereafter. The councilmembers serving in Place 1, Place 3, and Place 4 shall be elected in 2008 and every three years thereafter.~~ The mayor and the councilmembers serving in Place 1, Place 2, Place 3, Place 4, Place 5, and Place 6 shall be elected in [choose first year]. Council shall provide by ordinance for any transition in stagger mandated by a charter amendment election, including lengthening and shortening terms as necessary.

Attachment A
Resolution 20110428-048
Draft Charter Amendment Language

**A5. *Increase individual campaign contribution limit for at-large seats
(twice that of geographic seats)***

ARTICLE III. ELECTIONS.

§8. LIMITS ON CAMPAIGN CONTRIBUTIONS AND EXPENDITURES.

(A) LIMITS ON CONTRIBUTIONS TO CANDIDATES.

- (1) No candidate for Mayor or an at-large seat and his or her campaign committee shall accept campaign contributions in excess of \$700 per contributor per election from any person, except for the candidate and small-donor political committees. No candidate for a geographic seat City Council and his or her campaign committee shall accept campaign contributions in excess of ~~\$350~~\$300 per contributor per election from any person, except for the candidate and small-donor political committees. The amount of the contribution limit for geographic seats shall be modified each year with the adoption of the budget to increase or decrease in accordance with the most recently published federal government, Bureau of Labor Statistics Indicator, Consumer Price Index (CPI-W U.S. City Average) U.S. City Average. The most recently published Consumer Price Index in May 13, 2006, shall be used as a base of 100 and the adjustment thereafter will be to the nearest \$50.00.

Attachment A
Resolution 20110428-048
Draft Charter Amendment Language

- A6. Create a new 30-day fundraising period following regular, run-off, and special elections for the purpose of retiring campaign debt and funding officeholder accounts***

ARTICLE III. ELECTIONS.

§8. LIMITS ON CAMPAIGN CONTRIBUTIONS AND EXPENDITURES.

(F) TIME RESTRICTIONS ON CANDIDATE FUNDRAISING;
OFFICEHOLDER ACCOUNTS.

- (2) An officeholder, a candidate for mayor or city council, or an officeholder's or candidate's committee may not solicit or accept a political contribution except during the last 180 days before an election and 30 days after an election for mayor or council member or in which an officeholder faces recall.

Attachment A
Resolution 20110428-048
Draft Charter Amendment Language

A7. Increase the limit for officeholder accounts to \$40,000

ARTICLE III. ELECTIONS.

§8. LIMITS ON CAMPAIGN CONTRIBUTIONS AND EXPENDITURES.

(F) TIME RESTRICTIONS ON CANDIDATE FUNDRAISING;
OFFICEHOLDER ACCOUNTS.

- (6) An officeholder may retain up to \$40,000 ~~\$20,000~~ of funds received from political contributions for the purposes of officeholder expenditures.
- (7) An officeholder shall keep funds retained under subsection (F)(6) in an account separate from any other funds including personal funds of the officeholder and any other political funds of the officeholder. The funds kept in an officeholder account may be used only for officeholder expenditures. The funds kept in an officeholder account may not be used for campaign expenditures. The funds kept in an officeholder account may not exceed \$40,000 ~~\$20,000.00~~ at any time.

Attachment A
Resolution 20110428-048
Draft Charter Amendment Language

B1. City attorney to report directly to council

B5. City attorney to directly appoint deputy city attorneys if city attorney reports directly to city council

See also in red language proposed in Resolution 20100624-078.

This amendment prompts a renumbering of Article II.

ARTICLE II. THE COUNCIL.
~~ARTICLE V. ADMINISTRATIVE ORGANIZATION.~~
§ 106. CITY ATTORNEY.

There shall be a department of law, the head of which shall be the city attorney, who shall be appointed by the ~~city council~~~~city manager~~. The city attorney may be removed at the conclusion of a five-year term of office by a majority of the city council, or during the five-year term by a vote of three-fourths of the city council. The city attorney shall be a competent attorney who shall have practiced law in the State of Texas for at least five (5) years immediately preceding his or her appointment. The city attorney shall be the legal advisor of, and attorney for, the city council and all of the officers and departments of the city, and he or she shall represent the city in all litigation and legal proceedings. He or she shall draft, approve, or file his or her written legal objections to, every ordinance before it is acted upon by the council, and he or she shall pass upon all documents, contracts and legal instruments in which the city may have an interest. There shall be such deputy city attorneys as may be authorized by the council, who shall have authority to act for and on behalf of the city attorney, and who shall be appointed by the city attorney.

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

Optional clarification:

ARTICLE IX. PERSONNEL.
§ 1. CLASSIFIED PERSONNEL SERVICE.

There is hereby established a classified personnel service in which all appointments and promotions shall be made on the basis of merit and fitness. The classified service shall include all offices and employments in the city except the following: Members of the city council; city attorney; deputy city attorneys; the city clerk; the city manager and his or her assistants; the directors and assistant directors, as designated by the city manager, of departments; members of boards and commissions in the city's service; the judge and clerk of the municipal court; officers and employees of classes or departments within the civil service statutes of Texas.

Attachment A
Resolution 20110428-048
Draft Charter Amendment Language

B2. Council to directly appoint Council staff

This amendment prompts a renumbering of Article II.

ARTICLE II. THE COUNCIL.
§ 11. CITY COUNCIL LEGISLATIVE AIDES.

The council may provide by ordinance for legislative aide positions it deems necessary for the performance of its duties. Each member of the city council may appoint individuals to the positions authorized by ordinance who shall serve at the pleasure of that councilperson and who shall be excluded from the classified service.

Optional clarification:

ARTICLE IX. PERSONNEL.
§ 1. CLASSIFIED PERSONNEL SERVICE.

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

Attachment A
Resolution 20110428-048
Draft Charter Amendment Language

B3. City Clerk to directly appoint deputy clerks

The language added below tracks the deputy clerks of the municipal court language at Art. 6 Sec. 3.

ARTICLE II. THE COUNCIL.
§ 9. CITY CLERK.

The council shall appoint the city clerk, ~~and assistants~~, who shall serve at the pleasure of the council. The city clerk shall keep the records of the council, and shall have such other duties and responsibilities as may be assigned by this Charter and the council. There shall be such deputy city clerks as may be authorized by the council, who shall have authority to act for and on behalf of the city clerk, and who shall be appointed by the city clerk.

Optional clarification:

ARTICLE IX. PERSONNEL.
§ 1. CLASSIFIED PERSONNEL SERVICE.

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

Attachment A
Resolution 20110428-048
Draft Charter Amendment Language

B4. City Auditor to directly appoint deputy auditors

The language added below tracks the deputy clerks of the municipal court language at Art. 6 Sec. 3.

ARTICLE VII. FINANCE.
§ 17. CITY AUDITOR.

There shall be a city auditor who shall be appointed by the city council. The city auditor may be removed at the conclusion of a five-year term of office by a majority of the city council, or during the five-year term by a vote of three-fourths of the city council. The auditor shall report to the city council through an audit committee of the council. The auditor shall have such duties, responsibilities and staff as determined by ordinance including the responsibility to conduct, or cause to be conducted, financial, performance, investigative, and other audits following government auditing standards as promulgated by the Comptroller General of the United States. The city auditor shall assist the city council in establishing accountability and in improving city system and service delivery. There shall be such deputy auditors as may be authorized by the council, who shall have authority to act for and on behalf of the city auditor, and who shall be appointed by the city auditor.

Optional clarification:

ARTICLE IX. PERSONNEL.
§ 1. CLASSIFIED PERSONNEL SERVICE.

There is hereby established a classified personnel service in which all appointments and promotions shall be made on the basis of merit and fitness. The classified service shall include all offices and employments in the city except the following: Members of the city council; the city auditor; deputy city auditors; the city clerk; the city manager and his or her assistants; the directors and assistant directors, as designated by the city manager, of departments; members of boards and commissions in the city's service; the judge and clerk of the municipal court; officers and employees of classes or departments within the civil service statutes of Texas.

Optional clarification:

This amendment prompts a renumbering of Article II.

ARTICLE II. THE COUNCIL.
§ 12. CITY AUDITOR.

There shall be a city auditor who shall be appointed by the city council. There shall be such deputy auditors as may be authorized by the council, who shall have authority to act for and on behalf of the city auditor, and who shall be appointed by the city auditor.

Attachment A
Resolution 20110428-048
Draft Charter Amendment Language

B6. Authorizing AISD board of trustees to appoint an AISD president representative to the planning commission and aligning planning commission term lengths with councilmember term length

ARTICLE X. PLANNING.

§ 2. THE PLANNING COMMISSION — ORGANIZATION.

There shall be established a planning commission which shall consist of citizens of the City of Austin who must be registered voters in the city and must have resided within the city for one year next preceding their appointment. The planning commission shall have a number of members equal to the number of members on the council plus two (2) additional members, a minimum of two-thirds of the members who shall be lay members not directly or indirectly connected with real estate and land development. The city manager, the chairperson of the zoning board of adjustment, the director of public works and the president of the board of trustees of the Austin Independent School District shall serve as ex officio members. The members of said commission shall be appointed by the council ~~for a term of two (2) years, five (5) members to be appointed in every odd-numbered year and four (4) members in every even-numbered year.~~ Members' terms shall align with council terms; any members in excess of the number of council members shall align with the Mayor's term. The board of trustees of the Austin Independent School District may appoint one (1) Austin Independent School District President representative to the planning commission. The commission shall elect a chairperson from among its membership and shall meet not less than once each month. Vacancies in an unexpired term shall be filled by the council for the remainder of the term.

Attachment B
Resolution 20110623-94
Draft Charter Amendment Language

A3. *Changing the Terms of Office from three to four years*

A1. *Reduce City Council term limits from three terms to two terms, and prohibit Council members from switching places for the purpose of avoiding term limits*

Council requested that item A.3. from Resolution 20110428-048 be coupled with A.1. from Resolution 20110623-094, so these two items are presented together.

ARTICLE II. THE COUNCIL.

§1. NUMBER, SELECTION AND TERM OF OFFICE.

The council shall be composed of seven (7) councilmembers who, unless sooner removed under the provisions of this Charter, shall hold their offices for a term of four (4)~~three (3)~~ years beginning on a date established by council by ordinance not later than eight (8) weeks after the date of an election for mayor or a councilmember or until their successors have been elected and duly qualified. The councilmembers shall be elected from the city at large, and each councilmember shall be elected to and occupy a place on the council, such places being numbered and designated 1, 2, 3, 4, 5, 6 and mayor. The mayor and the councilmembers serving in Place 2, Place 5, and Place 6 shall be elected in 2006 and every four~~three~~ years thereafter. The councilmembers serving in Place 1, Place 3, and Place 4 shall be elected in 2008 and every four~~three~~ years thereafter. Council shall provide by ordinance for any transition in term mandated by a charter amendment election, including lengthening and shortening terms as necessary.

ARTICLE II. THE COUNCIL.

§3. TERM LIMITS.

- (A) Except as provided in Subsection (C), a person may not be elected to or serve in the office of Mayor for more than two (2)~~three~~ consecutive terms, and a person who has held the office of Mayor for more than two years of a term to which some other person was elected Mayor may only~~not~~ be consecutively elected to the office of Mayor once more ~~than twice in succession~~.
- (B) Except as provided in Subsection (C), a person ~~shall not may not shall~~ be elected to or serve on the City Council in any a position other than Mayor for more than two (2)~~three~~ consecutive terms, and a person who has held a position other than Mayor for more than two years of a term to which some other person was elected to the position may only~~not~~ be consecutively elected to a position other than Mayor once more ~~than twice in succession~~. Term limits apply to the number of consecutive terms served, regardless of Place number.

Attachment B
Resolution 20110623-94
Draft Charter Amendment Language

A2. Require that vacancies on the City Council be filled within 120 days after the vacancy is created to conform to the Texas Constitution

ARTICLE II. THE COUNCIL.
§4. VACANCIES.

Where a vacancy in any place on the council shall occur, the vacant place shall be filled by a special election, and, where necessary, by a run-off election, in the same manner as provided in this Charter for the regular election of a councilmember. Such special election shall be held within 120 days per Art.11, Sec. 11(b) of the Texas Constitution~~on the next available state uniform election date~~ following the creation of the vacancy, and the run-off election shall be held according to state law following the preceding election; provided, however, that where a vacancy shall occur within ninety (90) days of a regular election, no special election to fill the vacancy shall be called, unless more than one vacancy occurs.

Attachment B
Resolution 20110623-94
Draft Charter Amendment Language

- A3. *Establish that campaign contributions for a run-off election may only be collected after the election day of the general election for which a run-off is to be held***

ARTICLE III. ELECTIONS.

§8. LIMITS ON CAMPAIGN CONTRIBUTIONS AND EXPENDITURES.

(F) TIME RESTRICTIONS ON CANDIDATE FUNDRAISING; OFFICEHOLDER ACCOUNTS.

- (2) An officeholder, a candidate for mayor or city council, or an officeholder's or candidate's committee may not solicit or accept a political contribution except during the last 180 days before an election for mayor or council member or in which an officeholder faces recall. Candidates or officeholders participating in a run-off election may not solicit or accept a political contribution until after the election day of the general election.

Attachment B
Resolution 20110623-94
Draft Charter Amendment Language

A4. Make the number of required petition signatures for initiative and referendum match the required number of petition signatures for city charter changes contained in State law

Texas Local Government Code §9.004 specifies that charter amendments require a petition signed by the lesser of five percent of the qualified voters or 20,000 of the qualified voters. Austin's voting population at last election was 444,139; five percent of 444,139 is 22,206.

ARTICLE IV. INITIATIVE, REFERENDUM, AND RECALL.
§1. POWER OF INITIATIVE.

The people of the city reserve the power of direct legislation by initiative, and in the exercise of such power may propose any ordinance, not in conflict with this Charter, the state constitution, or the state laws except an ordinance appropriating money or authorizing the levy of taxes. Any initiated ordinance may be submitted to the council by a petition signed by qualified voters of the city equal in number to the petition number specified at Texas Local Government Code Section 9.004 ~~at least ten (10) percent~~ of the qualified voters of the city.

ARTICLE IV. INITIATIVE, REFERENDUM, AND RECALL.
§2. POWER OF REFERENDUM.

The people reserve the power to approve or reject at the polls any legislation enacted by the council which is subject to the initiative process under this Charter, except an ordinance which is enacted for the immediate preservation of the public peace, health or safety, which contains a statement of its urgency, and which is adopted by the favorable votes of five (5) or more of the councilmembers. Prior to the effective date of any ordinance which is subject to referendum, a petition signed by qualified voters of the city equal in number to the petition number specified at Texas Local Government Code Section 9.004 ~~at least ten (10) percent~~ of the qualified voters of the city may be filed with the city clerk requesting that any such ordinance be either repealed or submitted to a vote of the people. When such a petition has been certified as sufficient by the city clerk, the ordinance specified in the petition shall not go into effect, or further action thereunder shall be suspended if it shall have gone into effect, until and unless it is approved by the voters as herein provided.

Attachment B
Resolution 20110623-94
Draft Charter Amendment Language

A5. *Establish a deadline for submitting petitions 60 days in advance of the final date of the final date on which the city council must act on a petition*

ARTICLE IV. INITIATIVE, REFERENDUM, AND RECALL.
§ 1. POWER OF INITIATIVE.

The people of the city reserve the power of direct legislation by initiative, and in the exercise of such power may propose any ordinance, not in conflict with this Charter, the state constitution, or the state laws except an ordinance appropriating money or authorizing the levy of taxes. Any initiated ordinance may be submitted to the council by a petition signed by qualified voters of the city equal in number to at least ten (10) percent of the qualified voters of the city. Petitions must be submitted sixty (60) days in advance of the final date by which the council must act on the petition.

ARTICLE IV. INITIATIVE, REFERENDUM, AND RECALL.
§ 4. FILING, EXAMINATION AND CERTIFICATION OF PETITIONS.

Initiative or referendum petitions shall be filed with the City Clerk within sixty (60) days in advance of the final date by which the council must act on the petition. Upon receipt the City Clerk shall provide a copy of the ordinance specified in the petition to the City Council and the City Attorney.

Within ~~sixty (60) days~~ ^{thirty (30)} days after an initiative or referendum petition is filed, the city clerk shall determine whether the same is signed by the requisite number of qualified voters. The city clerk shall declare void any petition paper which does not have an affidavit attached thereto as required in Section 3 of this article. In examining the petition the clerk shall write the letters "D.V." in red ink opposite the names of signers found not qualified to vote. After completing examination of the petition the clerk shall certify the result thereof to the council at its next regular meeting, stating the number of persons found on the petition who are qualified to vote and the number of persons found on the petition who are not qualified to vote. If the certificate of the city clerk shall show an initiative or referendum petition to be insufficient, the clerk shall notify the person filing the petition, and it may be amended within fifteen (15) days from the date of such notice by filing a supplementary petition upon additional papers signed and filed as provided for an original petition. Within fifteen (15) days after such amendment is filed, the clerk shall examine the amended petition and certify as to its sufficiency. If the amended petition is found to be insufficient the clerk shall return the petition to the person filing the same, without prejudice to the filing of a new petition for the same purpose.

Attachment B
Resolution 20110623-94
Draft Charter Amendment Language

A6. Require that the results of every municipal election be retained per the State's retention schedule, by precinct totals, for each candidate

ARTICLE III. ELECTIONS.
§ 3. REGULATION OF ELECTIONS.

All elections shall be held in accordance with the laws of the State of Texas regulating the holding of municipal elections and in accordance with the ordinances adopted by the council for the conduct of elections. The results of each municipal election shall be retained per the State's retention schedule, by precinct totals, for each candidate. Provided that the council shall appoint the election judges and other election officials. Voting precincts shall be established by ordinance and may be altered from time to time in like manner.

ARTICLE III. ELECTIONS.
§ 6. CANVASSING ELECTION AND DECLARING RESULTS.

The returns of every municipal election shall be delivered by the election judges to the city clerk not later than twelve (12) hours after the closing of the polls. The council shall canvass the returns and declare the official results of the election in accordance with state law. The returns of every municipal election shall be recorded in the minutes of the council, by precinct totals for each candidate. The results of each municipal election shall be retained per the State's retention schedule, by precinct totals, for each candidate.

Attachment B
Resolution 20110623-94
Draft Charter Amendment Language

***B1. Change stated frequency and location of city council meetings to conform w/
current meeting practices***

ARTICLE II. THE COUNCIL.
§ 10. MEETINGS OF THE COUNCIL.

The council shall meet in regular session ~~at the City Hall at least once each week~~ at such time and location as may be prescribed by ordinance, unless otherwise ordered by the council for reasons to be spread upon the minutes. Special meetings of the council shall be called by the city clerk upon written request of the mayor or two (2) members of the council. All meetings shall be open to the public except as may be authorized by the laws of the State of Texas.

Attachment B
Resolution 20110623-94
Draft Charter Amendment Language

B2. Eliminate city council authority to appoint assistants to city clerk

ARTICLE II. THE COUNCIL.
§ 9. CITY CLERK.

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

Attachment B
Resolution 20110623-94
Draft Charter Amendment Language

B3. Require that the effective date of every ordinance be contained within the ordinance language

ARTICLE II. THE COUNCIL.
§ 12. PROCEDURE TO ENACT LEGISLATION.

The council shall legislate by ordinance only, and the enacting clause of every ordinance shall be, “BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF AUSTIN.” Before any ordinance shall be adopted, the city attorney shall approve such ordinance in writing or shall file with the city clerk his or her written legal objections thereto. Every ordinance enacted by the council shall be signed by the mayor, mayor pro tem, or by two (2) councilmembers, and shall be filed with and recorded by the city clerk before the same shall become effective. Unless otherwise provided by law or this Charter, no ordinance shall become effective until the expiration of ten (10) days following the date of its final passage, except where an ordinance relating to the immediate preservation of the public peace, health or safety, is adopted as an emergency measure by the favorable votes of five (5) or more of the councilmembers and contains a statement of the nature of the emergency. Every ordinance shall contain its effective date within its own language.