#53+54

To: Austin City Council
From: The City of Austin Planning Commission
Date: December 13, 2011
Re: Ex officio board and commission members

Mayor, City Council, and City Manager,

The City Charter, Article X, Section 2 defines the composition of the Austin Planning Commission as follows:

> The board has 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 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 inclusion of ex officio members stems from February 1952 when a nine person City Plan Commission was created by ordinance with the addition of the city manager and the director of public works as ex officio members. In January 1953 a "modern" City Charter was approved by voters with a new Article X: Planning that defined the Planning Commission as a nine member body of citizens, plus the city manager and the director of public works, the chairperson of the zoning board of adjustment, and the president of the board of trustees of the Austin Independent School District as ex officio members. These same four ex officio positions are in the Charter today. The inclusion the city manager and the director of a city department as ex officio members of boards and commissions is common in the City Code section 2-1 that defines boards and commissions. For example section 2-1-164 states

> (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.

In many cases in which an ex officio member is included in a board or commission composition, it is stipulated that the ex officio member is a non-voting member. However, in other cases, including that of the Planning Commission, it is not explicit in the City Code that the ex officio members are limited to advisory, non-voting roles. The Planning Commission has voted 8 to 0 on December 13, 2011 in passing a resolution asking the Austin City Council to initiate changes to City Code Section 2-1-165 PLANNING COMMISSION to specify that ex officio members serve as advisors without voting privileges and without contributing to quorums. The Planning Commission would also support a blanket rule in Section 2-1 covering all boards and commissions enforcing the same rule.

Thank you for your attention, and we look forward to discussing any of these items or related issues with you at your convenience.

Sincerely,

Dave Sullivan
Chair Planning Commission

#53 of 54

To: Austin City Council, Austin 2012 Charter Revision Committee
From: The City of Austin Planning Commission
Date: December 13, 2011
Re: City Charter Article X Section 2 amendments

Mayor, City Council, City Manager and Members of the Charter Revision Committee,

The City Charter, Article X, Section 2 defines the composition of the Austin Planning Commission as follows:

> The board has 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 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 inclusion of ex officio members stems from February 1952 when a nine person City Plan Commission was created by ordinance with the addition of the city manager and the director of public works as ex officio members. In January 1953 a "modern" City Charter was approved by voters with a new Article X: Planning that defined the Planning Commission as a nine member body of citizens, plus the city manager and the director of public works, the chairperson of the zoning board of adjustment, and the president of the board of trustees of the Austin Independent School District as ex officio members. These same four ex officio positions are in the Charter today.

Council Resolution 20110428-048 asks the Charter Revision Committee to look at authorizing the AISD board of trustees to appoint an AISD president representative to the planning commission and aligning planning commission term lengths with councilmember term length. In many cases in which an ex officio member is included in a City of Austin board or commission composition, it is stipulated that the ex officio member is a non-voting member. The Planning Commission has noted that it is not explicit in the City Code or in the City Charter as to the roles and entitlements of ex officio members with regard to affecting the quorum, voting, participating in debate, etc. The Planning Commission has voted 8 to 0 on December 13, 2011 in passing a resolution asking the Austin City Council and Charter Revision Committee to include language in the proposed amendment to the City Charter Article X Section 2 to specify that ex officio members serve as advisors without voting privileges and without contributing to quorums.

Thank you for your attention, and we look forward to discussing any of these items or related issues with you at your convenience.

Sincerely,

Dave Sullivan
Chair Planning Commission

ARTICLE 3. MEMBERSHIP.

(A) The board has 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 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 Ex Officio members of the Commission serve without voting privileges and without contributing to quorums.

ARTICLE 8. COMMITTEES/WORKING GROUPS.

COMMITTEES

(A) The Planning Commission shall have the following committees. Ex officio Planning Commissioners who are members of committees serve without voting privileges and without contributing to quorums.