

ORDINANCE NO. 20150129-026

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

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

PART 1. City Code Chapter 2-5 (*Council Action, Meeting Procedures, Public Hearings, and Appeals*) is amended by adding a new Article 5 to read:

ARTICLE 5. COUNCIL COMMITTEES

§ 2-5-101 Applicability.

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

§ 2-5-102 Membership of Council Committees.

- (A) Except as otherwise provided, each committee of the council consists of four council members appointed by the mayor in consultation with the council.
- (B) For each committee the mayor in consultation with the council shall designate a chair and a vice chair.
- (C) The term of a committee member is one year beginning on the date the committee appointments are ratified by the council.
- (D) The mayor's appointment of the membership of a committee, including the mayor's designation of a chair and vice chair, is not effective until it is ratified by the council as provided by this subsection.
 - (1) The council may only ratify the appointments of members, including the designations of officers, made to all of the council committees as a whole. The council may not individually ratify or object to:

- (a) the appointment of an individual council member to a committee;
 - (b) the designation of an individual council member as a committee officer; or
 - (c) the membership of a particular committee.
- (2) If a motion to ratify the mayor's appointment of the membership of all the council committees fails, the mayor must appoint a new set of members and officers for the committees and submit the new appointments to the council for ratification. The new set of members need not be completely different from the set that council did not ratify.
- (E) If a vacancy occurs on a committee, the mayor shall appoint a council member to fill the vacancy for the remainder of the unexpired term. An appointment under this subsection does not require council ratification.
- (F) Each appointment under this section must be in writing and filed with the city clerk. If an appointment requires council ratification, council must ratify the appointment in a written resolution.

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

- (A) It is the intent of the council that the listing of subjects assigned to council committees be construed broadly and be illustrative, so that every policy matter before the City has a council committee that may review the matter. By a favorable vote of a number of its members equal to a quorum, a council committee may create subcommittees.
- (B) Council creates the following standing committees:
- (1) The Audit and Finance Committee may review audit reports, matters related to the city auditor, the city clerk, internal services, bond oversight, purchasing and contract audits, taxation, financial policy, government performance, bonds and City debt, bond-funded programs, retirement systems, employee benefits, banking and investment policies, performance metrics and reporting, budget matters, affordability, and related matters. The Audit and Finance Committee shall also have oversight of the City's boards and commissions.
 - (2) The Mobility Committee may review land use as it concerns mobility, all transportation modes including, roads, aviation, public transit, pedestrian programs, bicycle programs, ground transportation, taxicab regulation, Lone Star Rail, core transit corridors, and related matters.

- (3) The Public Utilities Committee may review issues related to the City's water, and drainage utilities, solid waste and recycling matters, telecommunication regulatory issues, and related matters.
- (4) The Austin Energy Utility Oversight Committee may review issues related to the City's electric utility. The Austin Energy Utility Oversight Committee is a committee of the whole council. Six members of the committee are a quorum, and the favorable votes of a majority of the quorum present at the meeting are required for the committee to take action. The committee may create subcommittees, including a subcommittee to address Austin Energy's business model.
- (5) The Health & Human Services Committee may review social services, education, public health, health care services, animal welfare, sustainable food, social equity, veterans' affairs, populations at risk, and related matters.
- (6) The Public Safety Committee may review criminal justice, code enforcement, disaster preparedness, fire, police, emergency medical services, municipal court, judicial appointments, and related matters.
- (7) The Planning and Neighborhoods Committee may review the City's comprehensive plan, the land development code, development processes, neighborhood planning, noise, zoning, annexations, eminent domain, landmark review, design, mobility as it concerns land use, and related matters.
- (8) The Open Space, Environment, and Sustainability Committee may review environmental matters, climate protection, climate change, forestry, waterfront, heritage trees, open space, parks, rivers and lakes, aquifers, water quality, trash, recycling and compost, sustainability, cemeteries, and related matters.
- (9) The Housing and Community Development Committee may review housing, community development block grants, mobility as it concerns housing, land use as it concerns housing, and related matters.
- (10) The Economic Opportunity Committee may review job creation and training, small and minority business development, economic incentives, improvement districts, economic development corporations, trade and commerce, minority and women owned business contracting policies, emerging technology, tourism, events, entertainment, live music, film and television production, sports, library, culture, art, and related matters.

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

§ 2-5-104 Staff Support.

- (A) The city manager and city clerk shall provide appropriate staff support to each council committee.
- (B) The city manager and city clerk shall each appoint a staff liaison for each committee to assist the chair:
- (1) organizing meeting times and places;
 - (2) preparing and posting the agenda;
 - (3) preparing the minutes and any other documents created by the committee; and
 - (4) preparing data to be presented to the committee, including:
 - (a) public involvement and comment received to date;
 - (b) fiscal effects, including:
 - (i) capital requirements; and
 - (ii) ongoing operational expenses, such as, for example, staffing requirements, for the current and future budget years;
 - (c) legal analysis; and
 - (d) any other information requested by a committee member.
- (C) The city auditor shall provide staff support to the Council Audit and Finance Committee and perform the duties required by Subsection (B). The city auditor shall provide support to another council committee as requested by the chair.

§ 2-5-105 Committee Meetings.

- (A) The agenda and the back-up materials for a council committee meeting must be posted and open to the public in the same manner as a meeting of the full council for the committee to take action, receive live public comment, or meet as a committee with another person.

- (B) Except as otherwise provided, three members of a committee are a quorum. The favorable votes of a majority of the quorum present at the meeting are required for a committee to take action.
- (C) A member of the council may attend a meeting of any committee and participate in the deliberation, however only a member of the committee may vote and contribute to the formation of a quorum for a committee meeting.
- (D) At the committee chair's direction, the staff liaison shall notify a council member when a matter directly affecting property in that council member's district is on the committee's agenda.
- (E) The chair of a committee shall preside over each meeting, and, in consultation with other committee members and with the assistance of staff, shall:
 - (1) set the time and place of each meeting of the committee;
 - (2) prepare the agenda for each meeting;
 - (3) prepare the minutes; and
 - (4) prepare the final committee report which shall include any reports, resolutions, and other documents created by the committee, any reports from City boards, public written and oral testimony, minutes, and transcripts or video or audio recordings of proceedings.
- (F) The chair of a committee may allow the chair of a City board, or the board chair's designee, to participate in the deliberation of an item.
- (G) The vice chair of a committee shall perform the duties of the chair in the chair's absence.

§ 2-5-106 Committee Agendas.

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

- (1) as assigned by the mayor under Section 2-5-26(D);
- (2) at the request of the mayor;
- (3) at the request of a member of the committee;
- (4) at the request of two council members who are not members of the committee; and

(5) at the request of the city manager.

§ 2-5-107 Citizen Participation.

- (A) A person who intends to testify at a committee meeting on an agenda item or at a public hearing shall register on the signup system provided for the meeting.
- (B) A person is not limited in the number of items on which the person may register to testify.
- (C) The chair should grant a person three minutes to address the committee unless the committee rules otherwise.
- (D) A person may donate the person's speaking time on an agenda item or at a public hearing to another speaker if the person donating the time is present when the speaker begins to address the committee.
- (E) A speaker may not use the time of more than four other registered speakers on an agenda item or at a public hearing.
- (F) Except as required by state law, the committee may limit the number of speakers or the length of testimony at the committee's discretion. If the committee limits testimony under this subsection, the registration of each non-speaking person shall be made part of the public hearing record.
- (G) Except as provided in this section, the chair should not refuse permission to speak to a person who has registered to speak, and who is present and ready to speak, unless the hearing or consideration of the item for which the person has registered to speak has been continued to a later meeting.
- (H) If a hearing or item for which a person has registered is continued, a person who has registered but has not spoken must re-register as a speaker at the subsequent meeting during which the hearing or item is considered by the committee.
- (I) The city manager shall provide electronic mail notification of the electronic posting of the draft agenda to any citizen who requests notification by the established electronic notification system.

§ 2-5-108 Committee Actions.

- (A) A committee's vote is only advisory to the full council.
- (B) A committee may take one of the following actions on an agenda item that is intended to be placed on a future council agenda:

- (1) send the item to the council with a recommendation;
 - (2) send the item to the council without a recommendation;
 - (3) hold the item for further committee review;
 - (4) refer the item to a City board;
 - (5) refer the item to another council committee.
- (C) The city clerk shall post a final committee report publically. When an item that has been heard by a committee goes to the council, a City board, or another council committee, the city clerk shall send a copy of the final committee report to the council, board, or committee.
- (D) With respect to a zoning matter reviewed by the Planning and Neighborhoods Committee, the committee shall attempt to determine disputed facts, identify policy issues in controversy, and allow for mediation as appropriate.
- (E) The Economic Opportunity Committee shall review monthly, and provide an update to the council quarterly, on progress towards meeting the City's minority and women owned business contracting goals.

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

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

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

PART 3. City Code Section 2-5-26 is amended to read:

§ 2-5-26 AGENDA FOR COUNCIL MEETINGS.

(A) The city manager shall have the administrative duty to compile the agenda for each council meeting, and shall:

- (1) [~~prepare an agenda for each council meeting;~~ (2)] group agenda items by council committee, or if an item has not been considered by a council committee, by department or by topic;
- (2) [(3)] mark each action item, identifying an item that is an ordinance or a resolution;
- (3) [(4)] list items from the council in a separate section of the agenda, unless the item has been reviewed by a council committee;
- (4) include the final committee report in the back-up information for each agenda item that was reviewed by a council committee; and
- (5) include a specific notice for an item that was not reviewed by a council committee that the item was not reviewed by a council committee.

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

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

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

- (1) electronically publish a draft of the agenda on the C[e]ity Web site [website] not later than the ninth day before [nine days in advance of] the regularly scheduled council meeting and supplement the initial posting with additional items that have been added;

- (2) provide electronic mail notification of the electronic posting of the draft agenda to any citizen who requests notification by [via] the established electronic notification system;
 - (3) include as much back-up information for each draft agenda item as is available at the time of the initial electronic posting and supplement the initial posting with additional back-up information as it becomes available; and
 - (4) label each draft agenda “Draft Agenda for [date] Council Meeting” and indicate the date on which each draft agenda is first electronically published and the date on which each back-up item for each item is added to the draft agenda.
- (D) If a council member, the city clerk, the city auditor, the clerk of the municipal court, a municipal judge, or a board created by Chapter 2-1 (City Boards) wishes to place an item on a council agenda, the council member, the city clerk, the city auditor, the clerk of the municipal court, the municipal judge, or board chair should follow the procedure set by this subsection.
- (1) The board chair must be acting on a vote of the board.
 - (2) The council member, the city clerk, the city auditor, the clerk of the municipal court, the municipal judge, or board chair must submit the proposed item to the city clerk who shall provide a copy of the proposal to the mayor and city manager. The council member’s proposal may include a preferred committee for assignment by the mayor.
 - (3) The mayor shall, no later than the fifth working day after the date the mayor receives the proposal, or as soon thereafter as practicable, assign the item to a council standing committee. The mayor shall consider the proposing council member’s preferred committee, if any. The mayor may assign an item to more than one committee. If an item is assigned to more than one committee, the mayor may ask the committee chairs to coordinate the committees’ review and to consider the item either jointly or sequentially.
 - (4) When the mayor has selected the appropriate committee, the city manager shall promptly provide the written proposal to the committee’s staff liaison.
 - (a) The liaison shall promptly submit the proposed item to the city attorney, the chief financial officer, and the appropriate City department director for review.

(b) The city attorney, the chief financial officer, and the department director shall respond with comments not later than the fifth business day after receiving the proposal from the staff liaison. The city attorney's response should include a proposed posting for the item.

(c) The committee's staff liaison shall consult with the proposing council member, the city clerk, the city auditor, the clerk of the municipal court, the municipal judge, or board chair and make any revision to the proposed item that the proposing member, the city clerk, the city auditor, the clerk of the municipal court, the municipal judge, or board chair requires. A substantive change must be reviewed by the city attorney and the chief financial officer.

(d) After the proposing member, the city clerk, the city auditor, the clerk of the municipal court, the municipal judge, or board chair has approved the item, the committee's staff liaison shall work with the committee chair to place the item on the next available committee agenda, which shall be no later than the thirtieth working day after the date the item was assigned to the committee, or as soon thereafter as it is practicable to meet the posting requirement.

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

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

- (1) The c[~~C~~]ouncil m[~~M~~]embers should submit items for inclusion on an agenda not later than the sixth [~~six~~] business day[s] in advance of the council meeting.
- (2) If an item is submitted later than the time prescribed by [~~Subsection (D)(1) of~~] this section, a [~~the~~] sponsor of the item shall certify that the item is time sensitive because it is immediately critical to the interests of the City. The certification shall be on a form provided by the c[~~C~~]ity m[~~M~~]anager.
- (3) An item [~~Items~~] submitted for inclusion on the agenda should include posting language and a resolution, ordinance, agreement, City board report, written and oral public testimony, and [~~or~~] other supplemental information.

(F) A council member may place an item on a work session agenda for the purposes of:

- (1) discussion and identifying three other council members who wish to place the item directly on a council agenda; or
- (2) discussion and identifying three other council members who wish to open the item for public comment at a council meeting.

PART 4. City Code Section 2-5-29 is amended to read:

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

- (A) For an item that has been considered by a council committee, up to eight speakers shall be allowed to speak for two minutes each, with four speaking slots allowed for speakers in favor and four speaking slots allotted for speakers against the item to be assigned on a first come, first serve basis. A speaker signed up as neutral counts toward the total of eight speakers allowed. Each neutral speaker is counted on an alternating basis toward the four speakers allowed in favor and the four speakers allowed against. Separately, any further public comment shall be taken at the request of four council members. The method in which this comment will be taken is at the discretion of the council. The remainder of this section applies only to an agenda item that has not been considered by a council committee. [A person who intends to testify at a council meeting on an agenda item or at a public hearing shall register on the electronic signup system located in the City Hall lobby.]
- (B) A person who intends to testify at a council meeting on an agenda item or at a public hearing shall register on the electronic signup system. The person may register at any time after 12:00 noon on the Monday preceding a council meeting, when the city clerk opens the agenda for the meeting and before the last person who has registered to testify on the item has begun to testify.
- (C) Except as provided in Section 2-5-25 (*Consent Agenda*), a person is not limited in the number of items on which the person may register to testify.
- (D) The presiding officer should grant a person three minutes to address the council, unless:
- (1) the council rules otherwise; or
 - (2) the presiding officer exercises the officer's authority under Section 2-5-23 (*Rules of Order*) to limit or reduce the speaker's time.

- (E) A person may donate the person's speaking time on an agenda item or at a public hearing to another speaker if the person donating the time is present when the speaker begins to address the council.
- (F) A speaker may not use the time of more than four other registered speakers on an agenda item or at a public hearing.
- (G) Except as required by state law, the council may limit the number of speakers or the length of testimony at the council's discretion. If the council limits testimony under this subsection, the electronic registration of each non-speaking person shall be made part of the public hearing record.
- (H) A person may not register to speak on an item posted as a briefing.

PART 5. Subsection (A) of City Code Section 2-3-9 (*Council Audit and Finance Committee*) is repealed, Subsections (B) and (C) of that section become Subsections (A) and (B) respectively. The former Subsection (C)(1) of Section 2-3-9, now Subsection (B)(1) is amended to read:

- (1) review and make a recommendation to the full council regarding ~~approve~~ the city auditor's annual audit plan;

PART 6. City Code Section 2-1-8 (*Council Audit and Finance Committee*) is amended to read:

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

(A) The Council Audit and Finance Committee shall:

- (1) review each board's internal review report that is required by Section 2-1-46 (*Annual Internal Review and Review Report*);
- (2) make recommendations to the council on the continued need for and role of each board;
- (3) review and recommend that the full council approve or disapprove a board's requested amendment to the City's standard board bylaws;
- (4) 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;
- (5) make recommendations to council on other issues related to City-related boards; and

- (6) receive annually from ~~[direct]~~ the city auditor an assessment of ~~[to annually assess]~~ the risks related to boards using ~~[utilizing]~~ available information about board actions and recommend to the full council boards for performance audits.

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

PART 7. Subsection (B) of City Code Section 2-1-44 (*Meeting Procedures*) is amended to read:

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

PART 8. Subsection (A) of Section 2-3-2 (*Selection Process; City Auditor Vacancy*) is amended to read:

- (A) The council shall appoint a nominating committee to recommend candidates for city auditor. The committee shall consist of five members, including:
- (1) three council members appointed by the council ~~[audit and finance committee]~~;
 - (2) the state auditor; and
 - (3) the city manager.

PART 9. Section 2-10-5 of the City Code is amended to read:

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

- (A) The Council Public Safety ~~[shall appoint three of its members to the Judicial Committee shall make recommendations to the full council on the matters enumerated in this section [to provide oversight and direction to the presiding judge and the municipal court clerk].~~
- (B) The Council Public Safety ~~[Judicial]~~ Committee shall consult with the municipal judges to ~~[and]~~ develop and recommend to the full council for adoption ~~[adopt]~~ performance criteria for an evaluation required under Section 2-10-11(B)(10) (*Presiding Judge*).
- (C) ~~[(D)]~~ The Council Public Safety ~~[Judicial]~~ Committee shall develop information to present to the full council regarding the evaluation of ~~[evaluate]~~ the performance of the presiding judge and a judge appointed to the Downtown Austin Community Court.

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

PART 10. Subsection (B)(10) of City Code Section 2-10-11 (*Presiding Judge*) is amended to read:

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

PART 11. City Code Section 2-5-41 is amended to read:

§ 2-5-41 GENERAL PROVISIONS.

- (A) Except as otherwise provided in the Code, including Subsection (B) and Division 2 (*Appeals*), this division applies to a public hearing authorized under the Code. Except for Subsection (C), a [A] provision regarding a public hearing procedure in another chapter of the Code prevails over this article to the extent of any conflict.
- (B) A public hearing authorized under Title 25 (*Land Development*) shall be held as prescribed by Chapter 25-1, Article 6, Division 2 (*Public Hearing Procedure*) of the Code.
- (C) Except as provided by this subsection, a [A] public hearing should be conducted as prescribed by the Code, this article, and state and federal law. If a public hearing before the council is required by the Code, but is not required by the Charter or by state or federal law, a public hearing before a council committee satisfies the requirement. If council action is indicated by the hearing, the committee may not act in council's stead, but may make a report or recommendation to the full council. Except as otherwise provided in Article 5, when a council committee holds a public hearing to satisfy a requirement of the Code, the hearing shall, as near as may be practicable, follow the procedure for a hearing held before the council. This subsection prevails over any other provision of the Code to the extent of a conflict.
- (D) The city manager should set the date of a public hearing before the council by publication in the agenda. The council may change a hearing date.

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

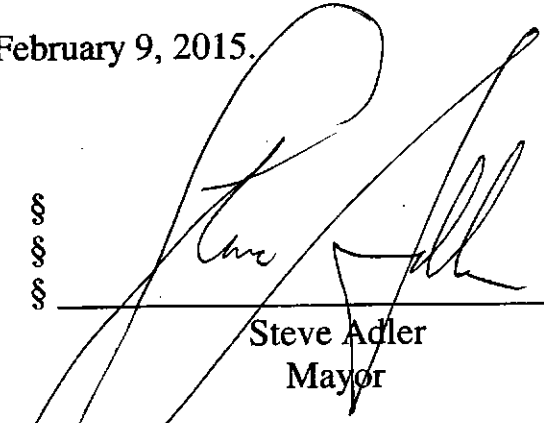
PART 12. Article 5 of City Code Chapter 2-5, as enacted by this ordinance, supersedes and replaces all previous resolutions creating or assigning duties to the Comprehensive Planning and Transportation Committee, the Emerging Technology and Telecommunications Committee, the Judicial Committee, the Council Committee on Austin Energy, and the Minority-Owned and Women-Owned Business Enterprises and Small Business Council Committee. Those committees are replaced by the committees created in Article 5.

PART 13. This ordinance takes effect on February 9, 2015.

PASSED AND APPROVED

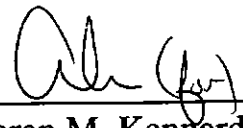
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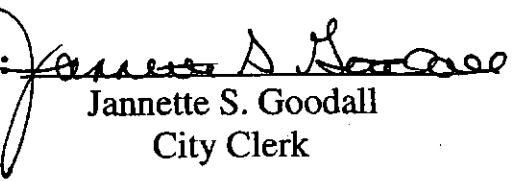
Steve Adler
Mayor

APPROVED:



Karen M. Kennard
City Attorney

ATTEST:



Jannette S. Goodall
City Clerk