

## Audit and Finance Committee Meeting Transcript – 11/16/2015

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>> Tovo: good morning, I'm mayor pro tem Kathie Tovo and I chair this committee and we have a quorum so we'll get started. It's October -- no, it isn't October. [ Laughter ] It is November 16, 2015, and we're meeting in the boards and commissions room, and we do have as our first order of business to approve the minutes of the audit and finance committee of October 28, 2015. So I will entertain a motion from councilmember pool moves private school of the minutes, councilmember Renteria seconds it. All in favor? And that passes on a vote of 3-0 with councilmember troxclair -- vice chair troxclair off the dais. We have no citizens signed up for citizens communications is that correct? I have a few of you signed up for item 5 and a few -- one signed up for item 3. Okay. We will move on to item 3. This is a presentation of the affordable housing development audit. I'll just say we have a presentation from our auditors. I believe that our housing staff have a few slides they'd like to present afterward and we do have one speaker, Mr. Hirsch, signed up. So that's the general order in which we'll take the discussion. So our auditors will present the audit of the affordability housing development audit and we have our staff, one response, and one speaker signed up to provide some comments and that's Mr. English all right. We conducted this audit of prioritization of affordable housing development. Nikki was the assistant city auditor who managed the project. >> Thank you. Good morning, mayor pro tem and councilmembers. To provide context for this audit there have been several

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citizens that he have pointed out how the city of Austin is facing an affordable crisis. The had plays a critical role in addressing the affordable housing of the city. There are two main mechanics through which the city supports financial housing. One is financial expensive this is the bred and water of what had does. They provide loans to the developer for the creation of rental and home ownership units for affordable housing. The other mechanism is through incentive to developers. For example, the smart housing initiative provides a partial waiver for -- in exchange of setting aside -- a waiver on development fees in exchange for setting aside a minimum of 10% units as affordable. Typically affordable housing programs target recipients based on their income levels and the income levels are defined in comparison to the mfi, medium family income in the area. The targets are broken down according to the three groups which are shown in the slide. In exchange for direct funding or for incentives, the city-obtained housing units that have legally binding affordability restrictions. These restrictions dictation the income level of the occupiers so the mfi and indicates the number of units and must remain affordable, which is referred to as the affordability period. Throughout this I will refer to three Austin affordable core values developed in 2007 by a council-appointed citizen task force. These values are

deeper affordability, having more affordable housing for lower-income households,

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remain affordable for a longer period of time and have affordable housing being spread throughout the city of Austin. I will also refer to the community needs which were identified in the comprehensive housing market status, the latest conducted in 2014, and identified the largest housing gap being rental units for households at or below 30 percent mfi. In 2014 this was short. In this audit we'll look at programs that falls within housing developer assistance programs because these are the programs that result in putting affordable housing units on the ground and so are increasing the affordable housing stock. We look at this from 2012 to 2014. This slide highlights our three findings, we identified challenges within nhcd's strategic planning for housing development. We identified significant data integrity issues and also we identified inconsistent monitoring of affordability requirements once units are occupied. I just mention our first finding is about the lack of be a effective strategy that is conducive to create housing with deeper and longer affordability. It shows in this exhibit we found that there is some misalignment between the core values on one side and the goals and performance measures developed by nhcd. The information available, it's difficult to get the city's progress in meeting these core values. For example, for this version it is unclear what the city means with geographic dispersion, how the value is going to be achieved and how progress will be measured. In the absence of clear goals

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and targets to evaluate effectiveness in any -- any outcome can be seen as a success. We tried to analyze and to perform our own analysis of the data and as I will show in the next few slides we concluded that the city is not adequately addressing the values of deeper and longer affordability. Before going to this analysis I want to mention that as I will discuss in the next finding there were several data limitations. So we perform our own analysis of cleanup data and he why we believe this number may not be exact but we think they're a good approximation of the affordability housing production results. So in this first slide we analyze affordable housing production based on income levels of households served and the bulk were unites created by the city in the fiscal year we looked at and were through developments of programs. This program by design targeted a high income level but the point that we want to make with this analysis is that regardless of the funding mechanics overall the impact that the city is achieving through its affordable housing policies is targeting closer to 80% which does not seem to adequately address the deeper affordability goal -- core value, as well as affordable housing gaps that were identified by the comprehensive market study. In this other chart we analyzed production data based on length of time unites were required to remain affordable. Similar to the prior slide because the bulk of the units were achieved through developer incentive and by design those progresses had a shorter period of affordability, one year for ownership and five years for rental units, which leads us to conclude that the affordable housing production does not adequately address longer affordability.

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Our second finding is about data reliability and the fact that key information needed to evaluate progress effectiveness were inaccurate and incorporate. First we found flaws through which the department counted affordable housing production. In our nhcd reported having created approximately 5,000 affordable housing units but based on analysis we included that this amount is overstated by approximately 3,000 units, that there will be 58% of those. And there are two main reasons for which

this error happened. One is included all units created through developer incentives in the count this includes market rate units and affordable units. For example, in the smart housing development of 100 units which has 10% affordable units, incorrectly 100 units were counted instead of the 10% or ten that would have affordability restrictions. The other source of errors was counting units under multiple programs. For example, if in a development there were units receiving direct funding as well as fee waivers these units will be counted twice. The impact of the error is significant as if resulted in incorrect information being reported to the decision makers and the public. For example, affordable housing production data is a component of some key performance indicators of the department and one of which is also a city dashboard measure. Incorrect information on the outcomes of the smart housing program also has been included in various presentations made to the city council. In addition to having incorrect data on the production of affordable housing we also found that nhcd does not have complete data on affordable housing production and specifically for the production of units

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through developer incentives. The information available on the mfi certificate and the length of time units need to be affordable was based on the commitments made by the developer at the time of certification so the beginning of the development process. Information is also incomplete from the financial point of view as few errors amount in other types of subsidies are not factored in the project. For our third finding we found gaps in the monitoring of affordable housing production to make sure that units once occupied are actually serving the intended population for the intended period of time. Monitoring helps -- the affordability terms of the projects should be verified once the unit is initially occupied as well as throughout the affordability period. We sampled some projects through each of the programs and found that the monitoring was not performed consistently and timely. We should find recommendations to address our findings. The first recommendation is directing the department to initiate a policy discussion with council on the effectiveness of housing policies. We want to acknowledge that some of the policies are the developer incentive programs, not the sole control of the department but smart housing initiatives and has monitoring responsibilities over the affordability housing outcomes of all developer incentive programs so we believe it is proper for the department to take the lead on these discussions. The other was improving reliability of data collection and reporting as well as enhancing the monitoring process. The department has, I believe, reviewed our recommendation

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and this concludes my presentation and I'm happy to take your questions. >> Tovo: Thank you very much. Before we hear from our housing department, do we have questions for the auditor? Councilmember Renteria, do you have any questions for the auditor brother we move on? >> Renteria: Not right now. >> Tovo: Great. I'm sure we'll come back to some. Thank you very much for that presentation. Ms. Spencer. >> Yes. You would lead our presentation, please. Good morning, I'm Betsy Spencer, director of the neighborhood housing and community development department. First I'd like to thank the auditors office for this opportunity. I have mixed feelings about this audit. It's been a relatively long process. We pride ourselves on many functions. We do a lot of monitoring, compliance monitoring in our department. This is our first strategic planning audit and so we had a lot of mixed feelings about the the results. But we always appreciate this opportunity because we've never had an audit that did not result in the long run in improvements in our processes. Okay. I just said that part. The audit findings are focused around core values and the form of a foundation of their audit process is on those -- wait, thanks. And so for us as a department, the core values have never been codified nor

adopted as the only line of business that we are in. And so the finding number 3 states "Adopted core values." While we've utilized them as guiding principles in what we do, it has never been the only focus of the activities that our department invests in so we challenge the word "Adopted" because they have never been codified for us by any city council. They are excellent guiding principles and we have done a lot to work with those guiding principles but it is not only how we focus on our work.

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We definitely treat them as guiding principles and we pride ourselves on being able to achieve many of those. We do have a very sound, strategic planning process, which has been reviewed independent of the alignment with the aforementioned core values. We turn in a lot of different planning documents. One primarily is with H.U.D., the housing of urban development, U.S. Department of housing and urban development. We've been identified as a lead in the nation in our strategic planning process with the government. So this was a very -- this was an interesting observation for us. The audit focused on the housing developer assistance program. You are very familiar probably with the rental housing developer assistance program. The majority of the items that we bring forward to you are in relation to this program. We utilize federal and local funding to invest in the projects. We create and preserve affordable rental units. The program is administered by our department and all of the units funded through the rhda program are smart housing certified. The acquisition and development program is -- focuses on home ownership. Also federally and locally funded. We create and preserve affordable ownership units. Again it is administered by the department and all of these units are certified as smart housing. The developer incentive program, there are two basic activities that fall under this program and these sections are actually part of the land development code. The first one is the smart housing ordinance, safe mixed income, accessible, reasonably priced and transit oriented. It does produce mixed income community there are a variety of density bonus ordinance that's provide incentives to developers for creating community benefits, one of which is affordable housing. Nhcd has no direct funding involved in the developer incentive programs.

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However, smart housing offers fee waivers for development participation. For these activities nhcd offers technical expensive monitoring services. For smart housing nhcd is also the lead department for certification. The audit did conclude three findings. Finding one, as Nikki identified, was the city does not have an effective strategy to create housing with deeper affordable, longer affordability and geographic dispersion. Finding two, nhcd's ability to evaluate program success and provide accurate information to the public and decision makers. Finding three, gaps in nhcd's monitoring process limits the city's ability to enforce affordability restrictions and do not ensure the achievement of adopted core values. Response to finding number 1, strategies and planning efforts that drive nhcd investment. The auditings that we do not have clear goals and I would argue that is not the case. If you look at our five-year consolidated planning process our annual action plan requirements, strategies to address housing and community development initiatives, that is the document that we submit to the U.S. Department of housing and urban development. We have very clear goals. It's a very clear planning process. That document has been put on the H.U.D. Website as a model for other communities. Additional reporting. We have an annual needs assessment. The housing market analysis. City of Austin business planning. The capital improvement program reporting. So we have a variety of opportunities where we strategically plan. What I will say is, we report and plan according to the funding source. I will not argue that we do not have one singular plan that wraps all of those different entities into one thing, which is why we concur with the audit's finding in the sense that there's not one

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overarching strategic planning document. But I will definitely say that we have a lot of planning opportunities. We take that very seriously. And we've done a pretty good job at that. Our federal and local performance measures are reported regularly. We are in the process of developing a strategic housing plan. We were already in the process actually before this audit began. This document will identify housing targets and goals based on identified gaps from multiple data sources and resources. We actually had started that process prior to this council's election. We've been working with our housing committee on those targets and goals. It's a very big task in trying to identify what that's going to look like. And our proposed strategic housing plan is slated for council consideration in 2016. Response to finding number 1 also core values are -- our core values are aligned with investments directly influenced by nhcd. Again, the core values, deeper affordability, long-term affordability and geographic dispersion, it's important to note that where we have capital investment we are able to achieve the the deeper affordability and long affordability. The developer incentive program and the smart housing programs are not designed in and of themselves to achieve either one of those things. The incentives are not enough to reach the deeper affordability or the long-term and they're not designed that way. They don't have the long-term affordability. So we take exception when all of those were lumped together. As I stated earlier, the developer assistance program effectively addresses long-term deeper affordability. We'll show gnaw in a minute. Again, the developer incentives are not. Nhcd will initiate a policy

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discussion regarding our core values. Should it be the desire that that is all that we do okay, we will be glad to accommodate that. But it has never been required that all we do, again, is the core values. Thank you. Our business plan goals and performance measures. Response to finding number 2, that the data -- we conclude that the data is available to evaluate program performance regarding core values. If you look at this chart, you'll see the goals in the -- there's the core values. The goals -- these are the goals that we actually put in our business plan and the current performance measures that we have identified in our business planning process. The audit states that we do not align our goals and our performance measures with the core values. While I will concur that some of our performance measures do not line up, there are actually several that do. If you look at the first one, where we say 50% of units produced under housing gap finance programs will assist households of 50%, we do have a performance measure that states percent of rental units created or retained at 30% or below. Second one, homeowners, where it states that we have no performance measure, we actually do have a performance measure that was not identified, where we are tracking monthly the percentage of homeowner units created or retained serving households earning 60% or below. For the next several performance measures, we actually do keep the the data. We -- it is not in the actual business plan performance measure, but we actually track and keep that data and do report it anecdotally in many of our reports. We did actually start last year in 2015 aligning our performance measures with the goals. This audit actually was, again, from 2012 to 2014. And so but we've been working with FSD to align those goals since last year.

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Response to finding number two, analysis to evaluate program success related to core values, deep affordability and long-term. We argue this conclusion because the auditor lumped together the the rhda, nhcd and all of the incentive programs which is why you'll see that donut where it says the vast

majority of our performance does not line up with the core values. If you remove the developer incentives from that analysis, you will see that the vast majority of work that we do in rhda and is either at 30 or 50% below ami and you'll see in regards to the affordability period the vast majority of what we do has been between 40 and 99 years long-term affordability. And so we continue to argue that that is not an accurate depiction. And the other thing I want to note, in the smart housing performance measure, where smart housing is counted, that performance measure does not state affordable. And so that's a component that's relevant for us while the performance measure we have had had challenges with that, that particular performance measure in our business plan process does not state the word "Affordable." Smart includes a variety of community benefits and that's why that one is -- has a different label to it. This -- do you want to switch them for me? Response to finding -- >> Tovo: Ms. Spencer, I'm getting a little concerned that we're only on finding number 2 and I think the presentation -- if we could sort of move through a little bit more quickly and then we'll ask questions on the areas of focus. >> Absolutely. This one just shows geographic dispersion. This includes -- this is a depiction of all of our investment, capital investment and the the developer incentives. When you add a developer incentives, we've actually been very successful in achieving geographic dispersion. We do conclude that we'll initiate a policy discussion

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regarding the core values. It would be exceptionally important for us to all agree on what the definition is. Geographic dispersion is one I believe that require a lot of conversation. We've attempted to try to define that. We utilize the Kerwin opportunity map currently to define that. It would be important for all of us to talk and make sure that that's what we want to do. We have separated out the performance measure for smart housing. There was some duplication in smart housing with rhda and a&d. We have separated that out and will refine that in the next business planning process and we will be working with other departments in regards to all of our developer incentive information. That information actually starts in the planning and zoning department, comes us to later so we'll be working with them on that. Last finding is technology solutions needed to strengthen monitoring programs. We've actually spent a lot of time trying to determine and create an enterprise solution to our data issues. We've been worked for several years with kilometer ctm to align our business with the Amanda process, the program that the planning and zoning department uses. We've been not been success in that. We're currently working ssd on the ecapris model, we do not have an adequate system and that's one of the big challenges that we have. Last in regards to monitoring we have recently reorganized to provide a snaillized business unit in under our achieve administrative officer, we will have audit, county, finance expertise. We'll initiate a five-year monitoring plan to include an annual risk base schedule. We will enforce all enforcement mechanisms 37 remember not everything requires an annual monitor every single year and then really our biggest challenge is on the data. We need a good data system to

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help us track. And I'll stop there. >> Tovo: Thank you very much. And, colleagues, we also have a management report from housing in our backup materials, and as I read it, it looks as if management has conferred with all of the recommendations. >> Yes, ma'am. >> Tovo: Okay. So with that I will call up our -- why don't we hear from our speaker and then we'll have questions. Mr. Hirsch, you have three minutes. >> Chair and members of the committee, my name is Stewart Harry Hirsch and like most in Austin I rent. For those of you who don't know, one of the things that I have done since I stopped working for the city is help not for profits build affordable housing and for me that means rents. The projects I've been involved in go all the way from zero to 350 for some of the apartments. So that's my

definition. First of all, I want to thank the city auditor and I agree with all their findings. Secondly, I want to thank neighborhood housing and community development department. My old -- former colleagues for concurring with all the findings. But I also want to lay out for you why we are where we are. Part of the problem is that the United States department of housing and urban development no longer allows nhcd and the other departments around the country to do goal setting in combination with both the federal and the local funds. At the dawn of the century when smart housing was launched we had the ability to talk about how strategically we were going to use federal and local dollars to achieve all the goals we were trying to achieve across a housing continuum, all the way from homelessness to repairs for low-income homeowners. We no longer have that tool in the same force that we used

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to. It's there on the federal side but not on the local side. The second is in 2002, after smart housing was launched the city auditor came in and identified all the lack of cooperation that all the review and inspection and permitting departments were having and for a couple of years cooperation and collaboration existed, and then by 2006 nobody's performance measure required the expedited review and inspection and permitting that had been promised to the development community and the participation in smart housing diminished. I'd like to describe it as like a 1950s western about white man speak with forked tongue because that's exactly the way that people who didn't actually get funding dollars from nhcd felt about the level of city cooperation. We've seen from last Sunday's session that we spent together that there's a lack of alignment with -- of floodplain relocation strategy and new homeownership production goals. Our ability to get people out of the floodplain would be much greater if our homeownership programs actually produced units that people could move into but they don't in sufficient quantity and even though we identified that at the needs assessment last spring, still doesn't happen. The lack of goals for relocation of damaged tenants whose owners don't cooperate. Councilmember Renteria's resolution passed last Thursday, as I remember, and some of us were talking many months ago about how renters still can't move out of the floodplain if their homeowner won't cooperate. That should be part of the strategy. It was Africa Trina, and then short-term rental alignment, parkland dead conversation goals we talked about until 2:30 in the morning Thursday and there have been no goals related to councilmember districts, particularly as they relate to low-income

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owners and renters and what are we trying to achieve in the the respective districts? Is it the same thing or different things in different districts? We haven't had that conversation, and I hope that this audit and its response will result in that. >> Tovo: Thank you, Mr. Hirsch. >> Thank you very much. >> Tovo: You would mind clarifying your last comment? You talked about alignment with short-term rentals and parkland dedication. So you just be very clear about how you see those related? >> Well, the -- >> Tovo: In one or two sentences. >> Short-term -- for me short-term rentals are single family homes for the most part. There is a little bit multi-family but for the most part single family homes. So when you decide to make it easier or harder for someone to create a short-term rental either where they live or as an investor, that should be part of a conversation on the planning side of how does that impact the absolute amount of housing stock that's available for long-term rentals and potential 1-time home buyers. In the several years that I've observed the short-term rental discussion, those things don't occur at the same time. There's an opportunity to get that right in the next round, but I fear that with what's on the table that we'll still not have that conversation. There's also an opportunity Thursday to have that conversation, in terms of the accessory dwelling units and whether they will be allowed -- the new ones will be allowed to be short-term rentals or not or whether they're going to be part of the stock of long-

term rental and/or first-time home buyer and y'all have heard my opinion on that and the public hearing is closed. >> Tovo: I appreciate that clarification. I thought that was what you intended based on your previous comments but I just wanted to be really clear. >> And parkland dedication I've spoken with parks staff since Thursday's hearing and told them where they could find the affordability housing incentives task force report on what the parkland dedication fee discount was

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supposed to be as opposed to what got enacted. >> Tovo: Thank you, Mr. Hirsch. >> Thank you. >> Tovo: Other questions? Okay, thanks. So we're back to our auditor and our housing staff. Councilmember Renteria. >> Renteria: [Off mic] On the -- on exhibit 4, on the audit report, can you give me some more information about the nhcd report? Total [indiscernible] Affordable units and under analysis it was three -- it was overstated by 3,000 units. Do you guys have this one here? >> Tovo: And this is from our presentation. >> The doughnut. >> Tovo: And, councilmember Renteria, was that question directed to the auditor? >> Renteria: Well -- >> Tovo: Or to our housing staff or would you like to hear from both? >> Renteria: Okay. From both. >> That's a number of housing affordability units we found reporting several documents, in budget documents that number also flows into performance measures about the total number of housing units served and it's reported as a total in some documents of the federal government. So we found that number tracked, including affordable as well as market value units and then rolling up in other information. And that was also presented -- I think there's a slide in the report that presents on housing affordable units produced and that number is included in that slide. So the tracking of units reported on the smart -- on

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the developer incentive was including both market value as well as affordable units. >> Yes, sir. So there's several things about this slide, and I apologize I was talking. I wasn't listening to you. Overall, the 58% we do argue that developer incentives are not designed for long-term or deep affordability. The overstating of the 3,000, pardon me, our performance measure and our business plan does not state that all of smart housing is affordable. And so that's why -- and I said earlier that the word "Affordable" is not in that. We have for a very long time identified all units that were certified as smart. Remember smart is safe, mixed income, accessible, reasonably priced, and transit-oriented. Some of those units are affordable or reasonably priced, and so it's a percentage based on the percentage of units that they determine will be affordable determines the amount of the fee waiver. All of the units, however, are safe, mixed income, transit oriented and accessible, and that's why the department for as long as, I believe, Mr. Hirsch started, has always identified all the units that were certified. So in that performance measure, again, in our business plan, it does not state that all of those units are affordable. However, we have on several occasions put on a chart where we did count all the smart housing units and on the top of that chart it said "Affordable." Honestly that was just a mistake. Someone took that performance measure from the cumulative number and put it under with all the developer incentives, we did list it on a chart as affordable. But in our actual performance measures, we have not done that. Rebecca, also city of Austin neighborhood and housing

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community development office. We actually have been in the process of this audit for quite a long time. When these issues were brought to our attention, we realized there was an opportunity to identify additional performance measures that could clarify and would clarify the reporting out on this in the



business planning process. Thus we have already introduced performance measures that bring some clarity to this issue. Although we also realize that there's probably additional performance measures that we'll be bringing forward as part of the business planning process as well. >> Renteria: And can you explain to me, how does this process work? Are you giving the developers an incentive to build affordable housing, or do they get incentives also just to build smart houses that are not affordable? >> So smart housing is a fee waiver program. The two components of smart housing is -- there's the permitting fees are waived and then they're supposed to get expedited review. The other developer incentives, there are incentives, usually in the form of additional density, and so there's an exchange. Those are often offered and negotiated through the planning and zoning department. They are part of the land development code and so those are often, when they go in to receive -- when they're working on their site plan, building permit, things like that, they can request, if they choose to get the additional entitlements, through the developer incentive programs. And then those come to us after they are complete, and that's why our monitoring process starts. But most of them are negotiated on the front end through the planning and zoning process. But the smart housing is the fee waiver incentive. The other incentives are actually, like I said, additional entitlements. Did that answer your question? >> Renteria: Almost. And the fee waiver is 10%, and

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it does have 80 and 60% mfi on some of these fee waivers? >> That's correct. >> Renteria: Do you all monitor that to verify that they're providing that? >> Yes. The smart housing fee waivers, the compliance period is typically five years and we do the certification at inception, when they get their certificate of occupancy and the family moves in initially is when we certify. >> Renteria: Thank you. >> Tovo: I have a follow-up question on that. I'd like to understand. You know, we've been having a lot of discussion about density bonus programs and creating housing on-site and we've gotten lots of charts and information so I'm very concerned about the finding that some of the Numbers may be overstated and I really need to understand whether some of the documents we've been receiving capture that as well. I'm looking at the spreadsheet that was presented to a variety of council committees, but it talks about the Numbers for smart housing. And I'd like to ask, I guess, our auditor, are you familiar with this document? And does it capture that overstatement as well? >> [Off mic] It does capture overstatement. That is total sum since smart housing was initiated, so in 2000. I can speak only for the three years we looked at. >> Tovo: I see. I can't even tell you what the exact Numbers are because it's so tiny, but it's -- well, I think the chart shows the -- the category is listed as affordable units and the smart housing number is 12,028 completed units anticipated 8,317. So from your perspective, are those Numbers accurate, or do those include the market rate units as well that were created under smart housing? >> I can speak for the three as we look -- >> Tovo: I'm sorry for the three of those -- >> They include those. >> Tovo: Okay. So is this where you said it was just an error that they did not -- I understand what

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you're saying about your performance measure includes the goals of smart housing, is not just affordability, but is this an error? >> Yes, ma'am, this is absolutely an error. The error is only in the smart housing. That was a cumulative number so some of those are no longer affordable and then only a percentage are affordable. That is absolutely an error. >> Tovo: So that captures both of the -- thank you for mentioning that other point because the auditor pointed out that, in addition to those Numbers reflecting the market rate units as well, they also include, as you said, the cumulative number and many of these units have already expired, third party affordability provisions have expired. >> Yes, ma'am. >> Tovo: I think as we look at the programs in our city are successful and have been the most successful in

terms of concentrating long-term affordability, we really need these -- we really need an updated chart. This is -- >> We've already done that, yes, ma'am. >> Tovo: Inaccurate on several points and that's, again, of concern. I have some other question about the developer incentives but I'll open it up to my colleagues for questions. Vice chair troxclair. >> Troxclair: I wanted to ask the auditor about this slide, and what, I guess, your response is to -- their response as to -- I mean, they're saying that they have performance measures and of course the audit found that there weren't performance measures. So is the -- did the audit find that even though -- that the things that are listed in these red boxes are really just still goals that are not being checked or confirmed? >> The only comment we have is that there was a misalignment between the values and the goals in the performance measure. I think the comment the performance measure -- that is not in -- maybe an interim measure but is not something that is available to the public in the city website

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with performance measures or in the budget document. So that's something we have not identified. The other comments I think speak to the fact that the direct funding programs may be aligned with the long affordability goals. However, it was -- the point of our analysis was regardless of the specific program, regardless of the funding mechanism, as a city, what is the impact they were having on the affordable housing stock? And so we think it's important to take into consideration the directly funded program as well as the developer incentives, especially in light of the fact that in the scope period the directly funded program resulted in 40% of the units produced and the developer incentive primarily smart housing was 60% of the units produced. So taking that 60% away from the picture, I don't think would provide for thorough holistic approach to evaluate the achievement of the core values. >> Troxclair: So when you said that the data on the first red box was not available to the the public, was that made available to you during the audit? Or is your argument that that needs to be available -- if we have that - >> That argument it needs to be available, yes, available to the department. >> Troxclair: Okay. >> And, also, that is speaking to the homeownership portion. So -- and overall, also one comment that we have, for example, the deeper affordability, the goals speak to 50% of units produced being available for 50% of below mfi while the performance measure talks to 30% of mfi. So also that type of misalignment. We think that is an important piece, to have information that is available is easily understandable and can be

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addressed by the public as well as the city. >> Troxclair: Okay. I guess I want to understand from our housing department what -- I don't know where it is in both of these presentations, but there was discussion about not verifying the applicants' income, as well as not confirming that house -- that affordability housing units stay affordable for the long-term. And I still -- even in your presentation, I still didn't hear what we are doing to confirm that those things are being attained. >> And so part of it is timing. We actually do confirm that all of the units meet the eligibility requirement. It may not occur immediately after its occupied, but we do confirm all of the smart housing units and all of the rhda and a&d units. >> Speaker2: I'm sorry when you say "Confirm" are you saying they are representative for an affordable level or that the people who are occupying the units meet the income requirements? >> Both. And so last year -- so we had several individuals in the office who do monitoring. We have one individual that has maintained our single family portfolio, which is not listed here. We have another individual who does all of our public service contracts, and then we have one individual who has been doing our rhda, a&d developer incentives. I know last year she was able to complete about 57 projects out of the roughly 95 she had slated to do. We have one individual doing the vast majority of this work.

So it may not all get done immediately and she'll follow up the the next year. We do San Francisco tenant income certifications on all the rental housing developer assistance programs to where we're able to monitor in-house those projects. Eventually we do make sure all of the units are occupied by an income-eligible individual and at the right rental rate.

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>> Troxclair: Okay. >> I'd like to build on also what Betsy was saying. That is currently the model as of October 1, this fiscal year, however, we have pulled all of that staff together into a monitoring business unit under a supervisor. So we believe that model will produce more successful results and cross-training, as well as multiple people being able to monitor multiple programs. Those individuals under a supervisor are now under the chief administrative officer. There is support staff also within that business unit who are accountants, business process experts, Depa actually to our right will be working on a number of process refinements and improvements in the monitoring business unit itself. You had specifically asked what are you all doing. So there is the actual monitoring and then there's also process refinements as well. >> Troxclair: Okay. So are you saying that the person who is charged with confirming the two items that we just talked about only started on October 1? >> No, that's not. They're -- actually they have subject matter expertise in the department. The department re' lined the individuals into a business unit. So they were in other division that's were appropriate. However, we've pulled them together for a overall business unit for auditing and monitoring purposes. >> Troxclair: But you have been confirming this during the time period -- since 2012, during the time period of the audit? Okay. I guess -- I know we need to move on but I still am hearing different things because the auditor is saying that's not what they found so I guess I just -- I want to understand. I mean, that's really important. I feel like if we're putting money to this purpose that we need to make sure that it is translating into affordable housing. So I guess I'll just maybe follow-up with the auditor. Is the auditor going to do a follow-up to this audit?

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>> It certainly -- every year we look back at audits we've done and pull out recommendations to follow up on. I envision this being part of that process unless -- we can also do a specific follow-up to this audit if it's of interest to the audit and finance committee. >> Troxclair: One last comment. I'm hearing that the developer incentives are not designed for affordability, and I think that that is not the impression the majority of the council has. I think when we are looking at developer incentives most of us, if not all of us, are looking at these incentives as a means to -- for affordable housing. So if -- I'm hearing from our department that that is not what they see as the goal of smart housing, then I think that we need to have a discussion among council or reevaluation of our developer incentives. >> If I may -- >> Tovo: You may, but -- >> If I can clarify, the developer incentives, notwithstanding -- or without smart housing, all of the developer incentives, vmu, uno, are designed to create affordable housing. The smart housing is designed for mixed income. And so it is not designed to create all of the units be affordable. If I -- if I said that wrong, I did not mean to. The developer incentive programs in and of themselves are not designed for long-term or deep affordability. The incentive is not enough to create the long-term or deep affordability. When we marry those up with capital investment, then we absolutely are able to achieve long-term and deep affordability. But independent of that, they are not designed for 30% and below. Nor they're not designed for 40-year affordability. So that was not my point. I hope I didn't say that wrong. >> Tovo: I'm glad vice chair troxclair flagged that because I think what you said was exactly what you've just

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summarized, that interior not designed for long-term or deep affordability but I would concur that I think that's a real serious policy discussion we need to have because when we have developers who are participating in our density bonus programs, I thought we really were working toward making sure that the units that they create are going to be affordable over the long-term. And some of the incentives and some of the zoning changes and entitlements they received are very significant in terms of financial value, and so if we can't translate that into real affordability, I think we have an issue. And you're right, they're not set at 30% or low or 60% or below. We have an ordinance change coming forward on Thursdays that setting the P.U.D., planned unit development, mfi at 80% but that's -- frankly, that's a policy decision. Maybe we should set it at 60% or below. I'm not sure it's a failure of the program. It's maybe a failure of local will to set it at a level we need in this community. >> And you've actually just clarified why we actually confirm with the finding and the recommendation. We believe a policy conversation around the definitions of the core values, as well as how those density bonus ordinances should perform, is something we would like to have not only with stakeholders but the council. >> Tovo: Okay. Thank you. So to get back to the smart housing Numbers, I guess in looking over -- I know you said that you've updated them and so I'm interested in knowing, of those 12,000 completed and 8300ish anticipated, how many of those units were affordable at any point? Because it also includes the market rate. And, also, how many are still affordable in those two categories? If you need to get back to me. >> Yes, we actually do. Our goal is to bring forward a presentation to our housing committee, and then also refine all of these Numbers. We do have a density bonus ordinance chart on our

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website. So we are actually -- and it's in our action plan -- looking at all of our communications that we have. We do realize that there were two places, two presentations, where that one powerpoint slide had been presented. Those have been revised. To our knowledge, there is not any other information that puts out those Numbers, but we are going back and looking at that, and we're happy to provide a memorandum or a presentation to answer the questions you've just asked. >> Tovo: Sure. A presentation really isn't necessary. I just need to fill those columns in we need to make the policy decisions which are imminent. Are you saying what is on line right now has the Numbers I just asked for of the -- the accurate figures for how many of those units were ever affordable as well as how many remain affordable as of 2015? >> No, what I'm saying is we have taken off that slide that depicts those Numbers as affordable at that aggregate. We still need to go back and ensure that we are providing you with those accurate Numbers, specifically what you just asked. >> Tovo: Okay. Thank you. I want to talk more about the developer incentives. One of the audit findings -- I understand what you are saying that they are negotiated in planning and zoning or sometimes in the course of the public hearings and whatnot, but it concerns me a lot that there's not a monitoring to make sure that these commitments are being realized. So on page 11 of the audit -- of the audit report, the auditor has reached the conclusion that nhcd does not have information about -- about the units that are created through our developer incentive programs, that you don't have information about the actual mfi, the information is limited to the commitments made by developers

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prior to beginning construction. If we've committed as a -- as a body that these are units that are going to be available to individuals of certain income levels, how can we get to the point where we're monitoring to make sure those commitments are being realized. >> This finding speaks the most to me

in regards to an enterprise system that will track that information. The planning and zoning department uses Amanda. They use an older version of Amanda. Several years ago we employed ctm to work with us so that we could have a reengineered Amanda, it's actual Amanda 6. We start four or five years ago working with that system. We identified actually very early on that we didn't have a single data system in our department to be able to track all the work that we do. So we spent several years working with ctm and cstc, that's the contractor, to create the Amanda system where we could get the information from planning and development, and this is no fought of anybody, we don't have a way electronically to receive that information. It has all been done manually. And so as we get that information manually, then we enter it into our system. To me this item speaks the most to that we don't have a singular way for it to live from when it's negotiated to when the C of O is created to when we go to monitor it. This is not -- there was a sampling of projects that had not been monitored in a timely manner. This is not stating that we do not monitor. But we don't have an easy way to get those projects to know when they are completed. Amanda is a difficult system to maneuver and so that's been our biggest challenge is be able to get the data accurately and have that project live from inception all the way to monitoring. >> Tovo: And so -- so your

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assertion is that the projects and the units that are being constructed, though at the moment -- well, under our density bonus programs, for example, are being monitored by nhcd staff, just the ones that were sampled were not monitored in a timely fashion. >> That is correct. >> Tovo: And I guess I would turn to our auditor and say do you concur with that assertion? >> There was some monitoring in timely fashion and some that were not monitored at all. They may have been [indiscernible] For example we sample some units developed through the uno program and we actually conducted site visits and they confirmed it had never been visited by the department. And then said they were going to put them in their pipeline to eventually monitor. But we've selected units that came on the ground between 2012 and 2014 and visited the the -- [indiscernible] In 2015 and monitor had not been before at that time. >> Tovo: Okay. Thank you. And so I guess, you know, I don't see anybody necessarily from our city management, our city manager's office, but I would suggest that we bring this up maybe in the context of the discussion on Thursday because, you know, if we've established density bonus programs and we're not providing the departments with the tools to make sure that the individuals who occupy them are income qualified, then we really have a failure of the system. And so I appreciate what you are saying, that you just haven't monitored those yet, but I think that's a very significant concern. In the examples that our auditor is talking about with regard to uno, is that a software issue or were they just overlooked for some reason? >> I would say that's a resource issue. We have very limited staff in

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that division and I would say that's a resource issue for us. >> Tovo: Okay. Colleagues, any other questions? >> Pool: Mayor pro tem, there was one -- one angle that I wanted to bring up about our conversation about affordable housing. And it's not specific to the audit, but it is specific to how we review our policies and procedures for targeting and building affordable housing. And because a number of us from the dais have been talking about how we don't want the city to continue operating in silos, I'll go ahead and toss this -- this issue that's important for our city out here in this context, if that's -- if that's all right. >> Tovo: Sure. >> Pool: And it just goes to when we are looking to criteria new development whether it's affordable or market rate housing, I think it's important we include in the conversation a very strategic and intentional review of where we are siting our parks and preserving our green space. It is unacceptable to me as a policy maker to say that people who live in below market rate

housing don't also get to have access to sizeable parks so that they can enjoy green space and recreation as much as anyone else who may live in a higher priced home, who may have a car to get to a park at any time. So I would -- we've been talking about inserting green infrastructure into our conversations through codenext and we made some specific movement in that direction during budget and we had a resolution even that included green infrastructure in codenext.

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And so I would like to invite everyone to expand the conversation to also include where is the affordable housing being built and where near it are we also making provision for our parks and open space. Our policy is quarter-mile walk from anyplace in town, so along transit corridors we have an opportunity because we want to site our affordability for people who may not have higher incomes, who may be using our public transportation. We have opportunities to turn our transit stops into pocket parks and make those more attractive and possibly places for recreation too so that more people will take our -- ride our buses and ride the train. So I -- I really feel very strongly about this issue and making sure that people who may have lower incomes also have access nearby where they can walk to open space and enjoy the freedom that being outside provides to us. >> Tovo: Thank you, councilmember. Committee, we have a -- an opportunity now to accept this audit. If there's a motion. Vice chair troxclair moves acceptance of this audit. Is there a second? Councilmember Renteria seconds it. All in favor? And that's unanimous on the dais. We are -- I'm going to ask our city clerk -- thanks all of you for your ongoing work and your participation in the audit. City clerk, do you suppose that we could do items 7 and 8 -- well, let's do -- I'm sorry, 4 should be a fast one. >> Corey stokes, 4 is faster than we intended because we

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realized after we put out the list that you have in your backup that we have conflicts with the forecast sessions. So there are budget forecast meetings of the council on the fourth Wednesday of, I believe, April, may and June. So if we could today approve the first three dates, which I believe we have no known conflicts which, which will be January, February, March, that would help us get on the calendar for room booking, for reserving the rooms, et cetera, and then we'll come back to you with alternate proposals for the remaining dates. >> Tovo: Sure. Is there a motion to that effect? Vice chair transaction layer moves approval of the first three dates of 2016 and councilmember pool I think was seconding that. Were you seconding that? All in favor? That passes on a vote of 3-0 with councilmember Renteria off the dais. And I'll remind my colleagues that this is -- this is our schedule but it doesn't mean that if we have no business one month we can't cancel the meeting. So that's always an option for any of our committees. Councilmember pool. >> Pool: I just wanted to make a note I went through this and put it next to the council meeting dates and we have a number of meetings on work session days so maybe we would meet in the afternoon. April 27, July 27 and August 24 as conflicting with work sessions. >> Tovo: Can you take a look at those? >> Yes. >> Tovo: As you work through that. Okay. Ms. Goodall, do you suppose we could manage 8 and 7 rather quickly? >> 8 should be quickly. 7 not as quickly. >> Tovo: Okay. Then I think we better -- >> We could divide 7 into two groups if anyone should be quickly. >> Tovo: I think we should proceed along the agenda as we have it. Thank you for that. Number 5. Councilmember pool, this is a draft resolution you've

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brought forward, we've talked about it a few times at audit and finance and it's gone to ethics review.

We do have more or less six speakers. Not all of those wish to speak. Some are donating time, but would you like to provide a brief overview of our intent and then indicate whether you think it's appropriate to go to speakers to have our discussion. >> Pool: Sure. Brian Thompson is here and he chaired the work group with the ethics commission that reported out recommendations for improvement to the resolution that was presented to them, and that was adopted unanimously by the ethics commission. Brian, was there anything in particular you wanted to add to that? [No microphone on]. >> Thank you, councilmember pool. Not much. We met last Tuesday, the ethics review commission as a whole, after the working group on lobbying had done a lot of work and had several meetings including a public input session on September the 16th. What we developed from those meetings and that work session was a recommendation that, as you mentioned, was adopted unanimously by the ethics review commission. It fully supports your resolution with -- with, I believe, six kind of areas of concern or areas where we think there should be some additional consideration, not necessarily before your resolution goes to city council, but just some issues that might need to be considered after -- after that. So yes, that's all I have. >> Pool: Okay, great, that's really helpful and hang loose because folks might have questions. >> Okay. >> Pool: In the interim, after the work group met and reported to ethics review commission, I did have an opportunity to talk with the

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leader of the group that was speaking in opposition, and on Friday he sent me a -- an amendment to add to item 20 and I'll pass that out. I've also provided copies of the latest revision which was dated November 6th. So here we go. And I have this also to put up on the board. What this does is it adds to item 20. And after reviewing this over the weekend, I had promised Mr. Sampley and give him a high sign or low sign and last night I sent him an email saying I was willing to accept the statement he provided so we will be adding that to item number 20 that's on the list. Mr. Sampley is here. Would you like to speak to this addition? >> Tovo: He is one of our signed-up speakers. Councilmember pool, before we do that, would you mind helping me understand how this fits into the sentence? >> Pool: Sure. It will -- let me pull up the resolution. It will be a numbered item. >> Tovo: I see the 20. I just can't -- >> Pool: I will be putting this -- >> Tovo: Oh, I'm sorry. I see. So it will be .5 of 20. >> Pool: Yes. >> Tovo: Gotcha. >> Pool: And I wanted to go through the changes. I passed out the most recent copy to everybody and it's also included in the backup. Mr. Sampley, you are welcome to come and speak now or if you would like to wait until later that's fine too. >> I'll wait. >> Pool: Okay. And then I had four other

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amendments to add, recommendations, and here you go. And if the clerk will put that other one up there. So what I'll do is I will walk through and try to do this as quickly as possible, but I want it to be really clear for everybody the changes that we are making that are building on what Mr. Sampley has offered. If you look at the second page of the resolution, you'll see item 2. And our number 2 strikes in the sentence, this is the definition of encompassing all city employees and agents to include all city employees, consultants, agents and representatives and I'm proposing to strike that and insert except solely clerical and administrative personnel. We're trying to be very clear that lobbyists or just regular conversations, whom you are, with our administrative and clerical personnel would not rise to the level of lobbyists. That's one of the things we're trying to be very clear about. If you move down the page to 3, and jump to number 3, our recommendation 3, the sentence that begins at the end of the line where you see Texas government code section 305.002, a matter is considered discretionary per Se if it can be appealed to a city commission, city board or the council. And let's see. And strike or if it is an administrative variance or alternative compliance in the land development code titles 25 and 30. And

you'll see the red strike-through on that page. And then right above that our

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recommendation number 2 in item 3, amend municipal question and strike the words decisions on building permits and site plans are discretionary per Se, not because we don't mean that, but it's a little confusing. So instead we are adding to the next sentence, however, technical building, life and safety decisions whether appealable or not in chapter 25-12, building technical code, are considered nondiscretionary. So that should clarify for our land development community what is considered discretionary and what is not. We had intended to be as action police it as possible that -- explicit as possible that technical changes to plats and plans would not be considered lobbying so in an attempt to be even more specific we're changing that. If you go back to the resolution as -- >> Troxclair: I'm sorry, can you Claire one more time -- clarify one more time because I want to understand -- what is an example of building, life -- what are you including and what are you excluding and maybe what's an example of what would be included in this? >> Pool: So if you are submitting a plan for wiring or plumbing that's considered technical and all of the items, if you read down a little bit further, subject to the above, discretionary excludes nondiscretionary, day to day, routine, application and execution of city programs and policies such as routine, nondiscretionary permitting, we're inserting the word platting and design approval matters. >> Troxclair: So what is an example, are there examples of permitting decisions that are discretionary and permitting decisions that aren't discretionary? >> Pool: Discretionary ones

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on the witnesses that are appealable through board of adjustment or through the senior level staff and up to council generally. And you'll see that is still included in the resolution. >> Troxclair: So anything that is appealable to council or senior level staff or boards and commissions would still be included. >> Pool: That's correct. >> Troxclair: And do you -- >> Pool: Unless it's otherwise exclude because it's in the building technical code. We're trying to remove all the technical day to day mundane changes that involve a conversation with the land development professionals and our staff in the permitting office. >> Troxclair: Okay. >> Tovo: Councilmember, thanks for that explanation. If it works for you since we've posted the recommendations, I'm not sure it's necessary for you to read the changes. Maybe just speak to the intent there and allow colleagues to ask questions. >> Pool: Sure. The other really important change that we added was a 26-hour metric along with the \$2,000 per quarter compensation threshold so that we are adding both a time and a money measurement as requested by the land development professionals. That also mirrors state -- state law. Which is what we were trying to do throughout all of this. And I guess I will leave it there. You'll see there's a lot of blue on the last pages and that is where we specifically excerpted from the state ethics law and inserted the language to be more specific. We had originally referred back to the state ethics law and decided that it would be better all around to actually have it in our piece. >> Tovo: So are there any

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questions -- I guess first about the red language posted up there? Any additional questions? Vice chair troxclair. >> Troxclair: Since you mentioned the state law being -- I don't know if -- that's not on this page, is it? On the red page? I don't see it. >> Pool: Those are -- those are amendments that we made in response to the concerns that had been raised by the committee. And also to be more explicative. >> Troxclair: I understand the time threshold -- >> Pool: And. >> Troxclair: And. >> Pool: It's both. >> Tovo:



Just to -- I think you had asked the question where are those changes captured, it looks to me as those are captured in the blue text in the full resolution rather than on the sheet that -- with the red recommendations. >> Pool: Right, at number 4, and I apologize, the pages on the resolution that are in the backup are not numbered. >> Troxclair: So it would be helpful for me to maybe then go through this document and the changes in here so that we can all understand what changes have been made? Is that okay? >> Pool: Sure. >> Tovo: Sure. >> Troxclair: The intent of the changes. >> Tovo: Speedily if we could. >> Pool: Right. The only additions today are from Mr. Sampley and the items that are in red. All the rest has been in the backup since I think the 6th of November. Yeah. Yeah. >> Tovo: Why don't -- councilmember pool, if you could sort of walk us through real quickly, it looks to me like the changes start on 3 where there is a threshold for 26 hours, which we've just talked about. The next body of changes, I've

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lost track of what the pages are again. Let's see one, two, three, four, five. It looks like this is substantial text added on pages 5, 6, 7, 8 and 9. >> Pool: That's correct. >> Tovo: Just based on what you said where you embraced the state language and moved it over, but did you want to make -- >> Pool: That's correct, and you will see the Texas government code sections are -- continue to be in the resolution and what we have done is taken the language and put it into this resolution. And that's all I have for now. I think it would be great to take the speakers while you all are looking and you might be -- you might like to talk to the speakers as well. >> Tovo: So I believe that vice chair troxclair would like to talk a little about the changes more specifically before we go to the speakers. Why don't we start with -- why don't we take it page by page beginning with page 3. >> Pool: The reasoning for the changes is to more directly and more accurately and more comprehensively extract from state law to add to our lobby resolution. >> Tovo: And so just more specifically, on page 3 it looks like the threshold, adding the threshold was to address some of the concerns about scope? >> Pool: Right. We're trying to raise the amount of money that's paid to professionals to qualify as a lobbyist. It's 200 in our ordinance. The state defines the threshold at \$1,000 of compensation for lobbying plus

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26 hours, and we're making it \$2,000 per -- for compensation for lobbying per quarter plus 26 hours. It's a two-prong. It's an amount of money which is double in the state so you have -- it's a higher bar to meet to become a lobbyist than it is for the state. I will emphasize that. But in most other respects these additional changes in blue are tracking the state law. On page 5, we just changed the word amend city code to clarify city code as further direction to the city manager in the development of the ordinance. We have a written report on open meetings issues, complaints, that's a compliance piece. And that continues over to the top of 6. Down at the bottom of 6 you see number 19 where we are delineating expenditure categories more specifically. And in the previous version of this resolution we simply jumped to the Texas government code. So what I've done here is grabbed the language that is in Texas government code, 305.006b and added it verbatim. You'll see on page 7 that we have add narrow and limited exclusion to the definition of compensation. Again, there was a criteria -- cite to the Texas code. These are not in current law except for inquiry and individual financial gain and

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then you have the exceptions to compensation which take you out of, again, being considered a lobbyist. And that continues over to the top of 8. And then down at 22 we have a new section that

requires people appearing before city officials with direct communication on a municipal matter to sign in. And most of the -- we have our sign-in sheets at our committee level for speaking so we would have a register so people who are coming to speak would be -- we would take the information from their sign-in sheets. And those who come to meet with us in our offices, we have our calendars and they should reflect who has come to meet with us or you can have a welcome book like the legislators at the capitol do. People sign in. And let's see, item 23, providing as an alternative to each employee, lobbyist of a business being required to register and report separately such that the employer can register for all of those who may be lobbying for the firm so that he with don't have an overabundance of paperwork. The employee lobbyists would not have to file separate registration reports or fees. And 24, we have late filing administrative penalties with an exception that you are not considered late if you amend or correct your reports within 14 business days of being made aware of errors. And that tracks with another portion of -- I think our campaign finance when we do our reports. We wanted to be sure that people understood that someone who may be a lobbyist and you are looking for reimbursement thresholds, that does not include the person's own

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travel, food, lodging or membership dues, and that again tracks with state law. And then we have a civil enforcement administrative process similar to the process for short-term rental violations. Currently they are criminal. That was a change we made during the work group process. I thought it was important to change the penalties from criminal to civil. And then the last two things are that the direction for the city manager to come back to the council rather than add it and finance. >> Tovo: Councilmember, I notice that you've made that change in a couple places. Do you intend for the draft ordinance to come back to audit and finance or to the full city council? >> Pool: In both cases it would come back to the full city council unless there is a desire on this committee's part to have it come here. >> Tovo: So I think then you need to make one additional change. It says be it resolved into the city council, city manager is directed to provide a draft ordinance, et cetera, et cetera, provide comment and recommendation for review and consideration by audit and finance. I think that needs to also change to city council. >> Pool: I agree. Thank you. >> Tovo: Okay. Thank you very much. Vice chair troxclair, did you have any other questions at this point? >> Troxclair: Well, I wanted to go back to -- first of all, thank you for working on this. It seems like the changes encompass kind of a broad range of perspectives and concerns on the issues so thank you for your efforts on it. If we're coming back directly to city council, does that mean that we would take another full -- we would take full testimony or full public comment at the council level when the ordinance comes back? >> Tovo: Yes. >> Troxclair: And you are okay with that. >> Pool: I think it's important for the entire council to hear -- to have this conversation. >> Troxclair: Okay. So my question was about

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number 22. I want to be clear on what the implications. So every -- anybody who comes to city hall or to a department to communicate with anyone on a municipal matter must sign in, even if -- does this apply to only people who are required to register under this law or does it say -- I mean this is any individual, so any person who comes to any city or department even if it's someone who would not be otherwise required. >> Pool: It could be people who are not lobbying. It says yes, any individual who appears before city officials to directly communicate with them on a municipal matter. This is like citizens communication where people sign in. It is like our speaker sign-in sheets that we have here in the committees. It would require -- and, of course, the city manager will make recommendations on how to implement this, what procedure to make. I would envision having a registry in offices so that visitors --

it's a visitor sign-in logbook. >> Troxclair: So I know that you have tried to track this to state law. Is there anything in state law that requires that kind of record keeping? >> Pool: You know, I believe this is in there for state law, but the difference is the legislators at the capitol regularly exempt themselves from many of these provisions, but I do know that in walking into many state legislative offices there is a guest registry book there, and mostly it's -- it's a -- it's a record of who has come to visit and those are official records and they have historical meaning, which is why we keep them. And so it can be a fairly informal kind of a prejudice industry, but I think it's

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really important that we document when folks come and visit us. >> Troxclair: Okay. Well, I guess I would ask, I'm -- I'm concerned about the requirement to [inaudible] Sheets. If this requires anybody who goes to talk to any city staffer and then we're going to require all of these sign-in sheets to be posted in an organized manner weekly on the internet for the city's website, I guess I would ask the city clerk about that. A requirement. Or who -- who would be required to handle that. >> In the past council has routinely posted their calendars on their websites on the city web. I have my calendar up, for example. And I don't know because I haven't checked to see if anybody else does that, but I know that historically councilmembers have done that. Ms. Goodall? >> Well, I do have some concerns on how we would [inaudible] This process out because since it's expanded beyond just the offices, the way I read it, it would be pretty much every office in the city. So we would have to come up with some standard process of those documents going to a central place or somehow getting uploaded to a central location. And so currently we don't have a process to achieve that. >> Troxclair: Was it your intention -- I heard you say it was intended to apply to all city staff. >> Pool: Right, and during the process of crafting the ordinance when the city manager takes this into consideration, either they will be able to recommend a streamlined way of doing that with associated resources or recommend that we amend that and have it be at a different but I wanted to put that in so that that would be an area that was -- that was reviewed

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and that we got some recommendations on. >> Councilmember pool, could I just comment so that everyone understands the historical perspective on this because this is an issue that was -- it's number 3 on our recommendations from the ethics review commission, but it might be helpful to understand why we thought it was important. One of the things that we heard from the -- what I'll say is the more kind of professional lobbys groups who commented on this resolution was look, Austin -- if you are going to base this on state law, you have to acknowledge that cities are different than states and Austin is certainly different than the legislature. And one of the ways Austin is different is that there are many nonprofit groups, neighborhood groups and individuals who are not going to be compensated ever for the work that they do here at city hall or Texas one or any other city facilities. But they certainly are up here trying to influence decisions. And so the thought was we can reach out and grab a bigger group of people that maybe are not going to be considered compensated lobbyists, they are never going to get the \$2,000 threshold, the 26 hours, but the effort is build transparency we still want to reach out and grab these folks and show the public that they are communicating with city staff and with your offices. And so that was what the intent was here, to try to make sure that we level the playing field a little bit with regard to transparency with regard to folks that may not ever hit that \$2,000 or 26-hour threshold. >> Troxclair: Okay. I appreciate that. I thought that may have been where this came from. Let me think about it. I understand the intent, but I'm concerned about the administrative burden. >> And since I'm I'm here, on recommendation 4, the July 1st deadline, in all honesty, I know you are

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directing the city manager, but 99% of this work is going to come to the clerk's office to do. And we're still finalizing the campaign finance which the portion for the P.A.C.S and the correction forms we have targeted for the July deadline. I have limited staff and it will be the same staff that is currently devoting 95% of their time on campaign finance that's going to get tasked with do this and there's just no way we could meet a July 1st deadline. >> Pool: Okay. >> So I would like to at least be able to discuss a deadline that could be feasible for us because I know the work is going to come to my office. >> Pool:en I actually hadn't -- I know item 4 is on that list, but I hadn't actually offered it. >> Good. Thank you. >> Pool: And I was -- because I wanted to have this conversation. I'm fine withholding off on number 4. >> Okay. >> Because in addition to we'll have to create some type of method to get these sign-in sheets from all of the -- I mean we're potentially talking hundreds of different locations and figuring out a way that they are structured where you can go and find them. If you just want us to throw them out on the web, that's easy, but I'm not sure that would be very useful to anyone trying to find anything on it. >> Pool: I think that's a conversation we can have separately going forward and it doesn't -- and it need to be done right. >> Yes. >> Pool: So I appreciate -- I appreciate your input and I will hold off on offering amendment 4. >> Tovo: Okay. Thank you. I would like to go to the speakers. Colleagues, we have multiple items still left ahead -- before us and we have, oh, 18 or so minutes worth of speakers. Let's go to the speakers now. Our first is Carol olewin and

[10:40:17 AM]

you have three minutes. After that we have Stuart staffly who has signed up -- Mr. Sampley, I'm not going to get your name right because it's spelled different but you have two speakers donating time. Welcome. >> Good morning, I'm Carol olewin, president of the league of women voters of the Austin area and I'm here today on behalf of Francis McIntyre who has been working very closely with this group. She's in Paris, France this week and she's safe and we are waiting her return stateside soon. The league of women voters through stickly supports this -- enthusiastically supports this resolution and we think it's in the best interest of the transparency for the citizens of Austin. We want to thank the committee and councilwoman pool and everyone else who has worked on making this possible. We think that this resolution will be in the best interest of Austin and put Austin on the leading edge of transparency for other cities to look at. Thank you. >> Tovo: Thank you very much. Mr. Stampley. I policies. They signed you up at s-t-a-f-l-e-y. >> Good enough for me. >> Tovo: And then Casey less? >> Giles. >> Tovo: I'm going to have to post these. Casey Giles, are you here? >> He's not. >> Tovo: Mr. Tuella. You have an additional three minutes for a total of six,

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Mr. Stampley. >> My name is Stuart Stampley, I'm an architect and spokesperson for our coalition that represents 11 organizations involved in the day to day operations or the day to bay involvement with city staff. And I just want to say that what councilmember pool has proposed, the language to be added to the resolution is something we're very much in agreement with and just wanted to say thank you and that we'll continue to be here throughout this process and that's all have I to say. >> Tovo: Very good. We sure appreciate you returning to make those comments and all the feedback. Vice chair troxclair has a question for you. >> Troxclair: I just have a quick question. I just want to understand -- I believe the last time you spoke to us you were representing a broad range of the kind of architects and builders. >> Yes. >> Troxclair: And so are you saying that those groups are only supportive of the amendments, are you saying those groups are supportive of the entire resolution with the addition of the amendments?

>> We have not seen them all together. There has been a number of other amendments that have been made, just by glance on the screen it appears we would be in support of those and with the addition of the language councilmember pool proposed specifically from us, we would be in support of the current resolution. With that language added. >> Troxclair: Great. >> Thank you. >> Troxclair: Thanks. >> Tovo: Thank you. >> Pool: And I just wanted to thank Mr. Stampley for the additional assistance that he and his 11-member group provided and allowed us to move forward this morning. >> Our pleasure. >> Tovo: Super. Thank you. Mr. King, you are next and then our last speaker will be Nick Mulaney. >> Same thing. >> Tovo: Mr. King yields his time, and Mr. Mulaney.

[10:44:19 AM]

>> Nick Mulaney. I would just like to echo Stuart and say thank you very much to councilmember pool. This process started a little -- it had the ability to go down the wrong path and as a coalition and working with ethics, working with your office, we've been able to get this together and I would like to hope that as a model moving forward that we can look at this process and continue to build off of what was done. I think there was a lot of hard work that was put into this on all parts, a lot of honest discussion too which I think is incredibly important. There will continue to be work need to be done as this works through the ordinance process and I want -- I would like this group to know and then also council to know that we're going to be there and actively part of that process. We will continue to tweak language, there will continue to be changes made. There will be issues as we just heard from the clerk's office that just the -- the process of putting this together, it's very complicated, it will require a lot of work, a lot of staff effort and there will be continued communication, but I can promise you we will be actively engaged in that and I just wanted to say thank you for that. >> Pool: And I appreciate that too, Mr. Mulaney and we'll look forward to further conversations. >> Thank you all. >> Tovo: Thank you. Is there a motion? Councilmember pool. >> Pool: I move approval of the revised resolution with the inclusion of the amendments that were offered here today, specifically from Mr. Stampley. I'm sorry. And the three of the four that were on the second amendment sheet that I offered here today. >> Tovo: Is there a second? Councilmember Renteria seconds it. Is there further discussion? Vice chair Troxclair. >> Troxclair: So I just -- can I ask for clarification on

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a couple of these things. Again, I just want to make sure that I'm wrapping my head around and I know you've been working on this for a long time so I appreciate you helping me to clarify. So if I have a friend who wants to help me renovate my bathroom and I pay them let's say \$3,000, so over the dollar threshold and he has to talk to people at the city in order to ask about permits or what have you, as long as he doesn't reach the -- as long as he's not doing that more than 26 hours a week he wouldn't be required. >> Mayor Adler: He's also -- I assume you are seeking -- >> Pool: I assume you are seeking approval on trying to change city policy or code, then he would not be considered a lobbyist. >> Troxclair: Okay. Because permits cannot be -- permits can't be overruled or challenged by -- >> Pool: Yes, they can. And it would depend on the specific conversation that that person had as well, but if -- this is where it gets difficult. But generally speaking, if he is seeking approval based on the permitting process that we have in place and not changing anything about the code or the permit process, it's a technical permitting question, that would not be considered lobbying even if you -- but you also would not be paying that person, I assume, \$3,000 to do the lobbying. >> Troxclair: Right. To do the work. >> Pool: This is a subset of the work. If \$3,000 were the entire job, I expect that not 100% of that time would be spent in the permitting office because it's a larger job. And so that would also fall below, I'm guessing, the \$2,000 threshold and the 26-hour per quarter limitation.

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>> Troxclair: Okay. And then I guess how -- so -- I don't know, I'm sorry that I'm having such trouble wrapping my head around the nondiscretionary because I know that is the best kind of term that -- that y'all have come up with to try to identify when people are influencing policy or a change and when people are just trying to apply for a technical permit, but it sounds to me like there are still items that would be within the regular course of business but are still considered discretionary if the definition of discretion other anterior -- discretionary is something that could be appealed to a higher level -- people are shaking their heads at me so I don't know. >> Tovo: We're going to need to -- >> Troxclair: Just answer the question. >> Tovo: We need to move on. Who is the best to answer that, vice chair troxclair. >> Troxclair: I'm sorry, but to me that term is really important. It's a really important part of the resolution so I just wanted to make sure I understand it. I know if I'm struggling with it, then there might be others having that same struggle. >> So I'll say that that was the biggest concern of the coalition that represents design professionals and it's day to day action of us going to the city and applying for a permit. Staff having a question about something and us having to communicate with them. So the language we asked to be added, and if you don't mind I'm going to read it, communicating for the purpose of achieving compliance with existing laws, rules, policies and procedures including communications to show qualification for an exception of general applicability that is available under existing laws, rules, policy and procedure. These are -- whether they are part of our land development code or building codes, which is the technical codes that we talked about, these are these

[10:50:23 AM]

communications that we have with [inaudible] About your bathroom remodel or about the curb cut or the tree. And so underneath is because this is a exclusion, those communications are exempt from the compensation. >> Troxclair: Okay. >> Which takes care of all of our issues. Which also takes care of the fact that day to day architects and engineers and builders won't have to register as lobbyists, which also takes care of our secondary concern about being -- having the ability to serve on boards and commissions. >> Troxclair: Okay. >> It was a two-sentence solution that solved lots and lots and lots of problems. >> Troxclair: Okay. Okay. Is that your understanding. >> Pool: That's right and that is allowing us to move forward today. >> Correct. >> Troxclair: I was seeing that word nondiscretionary, but you have to keep going to -- [multiple voices] >> Solve the problem for us. >> Troxclair: So then I guess my -- my only other thought, and I don't know how councilmember pool wants to handle this or maybe she wants to keep it in here, I'm still really concerned about the administrative burden on number 22. And from our conversations that we've had here, that wasn't necessarily the crux of the issue that you were setting out to solve. I understand the intent of it, but I am not comfortable with this -- with the requiring everybody in the entire city to keep -- to keep a written log of every single person that they ever speak to about municipal issue and then requiring us to post that on a weekly basis. Would you be open to maybe removing that for now and then working together to try to maybe come up with an amendment when the ordinance comes back to council? >> Pool: I think that would be fine. >> Tovo: I would also say, you know, I also post my calendar, but we don't manage to get it up every week because it is really a challenge trying to review it and post it and work through that process. So an interim position until

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you figure out what the posting would be would be to require people to keep track of it, which most of them probably are required to do anyway, and if you are pulling back on anything, maybe pulling back

on the internet piece of it. Because then it is still accessible to people who do a public information request and other -- does that -- does that help, vice chair troxclair? I think most staff as a matter of protocol, do you keep track of everybody they interact with in a meeting or through a phone call, I would guess? I know a lot of staff who do and I think it would -- you know, it is the protocol in certain departments. >> Pool: We can -- >> Tovo: Oh, goodness. I think that's a fair -- I think that's a fair and reasonable expectation. The piece that sound like it's going to be the more work is the piece that requires it to be out on the internet. Again, if you guys are going to work together on language, I think that's great, but sounds like the piece that's really an administrative burden at this point barring any other solutions that you all might come up with would be the posting. >> Pool: What I would propose is to amend my motion for approval to delete the last two sentences in item 22. So that would delete these paper sign-in sheets should be posted weekly on the city's website. All records shall be kept by the city for at least four years. The city already has a documents retention schedule that likely this comes under anyway, so that would be redundant, but we'll work on that further. Would that amendment help you? >> Troxclair: Well, I think mayor pro tem tovo seems to think all our staff is doing that and I don't know -- councilmember lent is -- Renteria is shaking his head. I would be more comfortable with deleting that and coming up with something that you feel comfortable with when it comes back to council. I don't -- I don't know that

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every city staffer keeps a written log of everybody that they ever talk to and so I'm -- I'm just uncomfortable -- >> Pool: Well, I think this actually does that. It says that any individual who appears before city officials, and we define city officials earlier in the resolution to be at a level -- assistant city manager and below to, like, our planning department heads. To sign in in writing with the city department or agency in question. So this actually is not as wide and as perhaps you are thinking because the individuals would be registering and I think the mayor pro tem has pointed out that this is likely already happening with our -- >> Tovo: Actually they -- my guess is that as it's being tracked, it's the staff member who is recording the names rather than having a sign-in process. >> Pool: Okay. >> Tovo: That would be my guess. That's how it happens in our office. >> Pool: Maybe not as deep as you originally thought. >> Renteria: And basically what mostly the people that -- I don't take their names and nonprofit groups and organizations that come in and they bring their friends with them, but I do keep name of the person who sets the meeting up and we don't capture -- >> Pool: All of the meeting attendees. >> Renteria: Sometimes we have a lot of neighborhood groups that bring in their friends with them. >> Pool: I think that is probably -- that happens a lot. Yeah. >> Troxclair: Okay. >> Tovo: What's your pleasure? >> Troxclair: I think I was trying to make a motion to just -- >> Tovo: Vice chair troxclair moves to -- moves an amendment to strike .22. Is there a second to is that? I'm not -- I'm just seeing if there is a second to it. Okay. So then it fails for lack of a

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second. We're back to the original motion. >> Pool: Well, I had made a motion to remove the last two sentences so I'll go ahead and reiterate that. To amend the original motion to delete the last two sentences of item 22. >> Tovo: Is there a second to that amendment? And vice chair troxclair seconds that. All in favor of the amendment? That passes unanimously. Now we're back to the original motion. Any other comments? All in favor? And that passes unanimously. Thanks very much. >> Pool: Thank you everybody. >> Tovo: Yes, thank you for being present with us. Mr. Thompson and thank you, councilmember pool for all your work on that and thank you all community members who have participated. So let's see. We are now up to item 6. >> I have a very short presentation and believe

Austin, chair of the commission is mirror related to this item. City code revisions related to the roles of the city auditor and ethics review commission. A quick background -- I can't click. There we go. Quick background of some of the parties discussed in this. First you have the council appointed city auditor, that would be me. We manage a reporting hotline and conduct investigations of fraud, waste and abuse in addition to the audits that we do. We have a council appointed ethics review commission that hears complaints and alleged violations of various sections of city code including several of those discussed today like code of ethics commission rules, campaign finance, lobbying. We also have the council audit and finance committee, that would be you all. Within code one of you all's duties to be the city is in come clines with applicable law and maintaining effective

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internal controls against conflict of interest or fraud. That is why we're here at the audit and finance committee with these code changes. There are also other parties within city management involved in the city's ethics and compliance structure, but for today's purposes these are the main parties affected. So procedural changes, section 2-3 of the city code is roles and responsibilities of the city auditor, also include sections about the city audit and finance committee. But here basically within your backup you have several documents. One is a one-page summary or it's actually two pages, one for each section of code, on the procedural changes. You have the full version of the red line code and I believe -- and you have a recommendation from the ethics review commission. So with that, section 2-3, some of the highlights there include adding a subject's right to representation, being explicit about that, and also giving subject of an investigation and any third-party reference that's involved this the alleged misconduct. That's the quote. Giving them an ability to provide a response to any investigate or report before we issue it. There are requirements for periodic reporting both by my office and by the city manager who conducts some investigations separate from those we conduct. And then there are processes for different types of employees and officials. And we went through these last time, but the concept if you are an employee covered by municipal civil service or state civil service for public safety employees -- that was a mouthful -- that process we allow for a response and provide results to city management. For all other employees, the two groups shown on the right, the nonsilver rest, such as city executives, attorneys,er

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to employees or council appointed commissioners, we would conduct an investigation -- that's over here. Sorry. I'm not caught up with my slide. We would conduct the investigation and file a complaint, a sworn complaint with the ethics review commission for them to consider the investigation. Similarly of much >> Similarly, that would end up at the ethics review commission, however we would hire an external investigator to conduct that investigation. In terms of the 2-7 changes, we've expanded the code of ethics to include fraud and abuse if there were some provisions within it already that included that but we wanted to be really explicit that anything defined as fraud and abuse in section 2-3 of the code is covered in 2-7, also expand the the jurisdiction of the ethics review commission based on conversation we've been having to cover interference and personnel matters. In addition there are processes now more explicit processes in code for self-initiating complaints from the ethics review commission and to review complaints from the auditor. There's a requirement that complain absolutes and respondents attend final hearings, ethics review commission, the ability to subpoena witnesses or information and also allows the ethics review commission to request investigative assistance from the auditor. So with that quite intense mouthful there, these revisions, there's a -- within your backup, the ethics review commission approved these revisions at their meeting on November 10 so next we're



looking to you guys for a recommendation to the city council obviously with any code revisions this would go through legal review process prior to adoption but those are kind of the next on horizon steps. >> Tovo: Thank you. Mr. Kaplan, you would like to speak to this? >> Sure. I'll be very brief, chair of the ethics review commission, thanks. Thank you, chair tovo and thank you, councilmembers, for having us. The ethics commission now

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reports through audit and finance so we're looking forward to a great relationship moving forward. So the ethics commission was created in 1976 in response to watergate. We reviewed our rules, revised them in '86 and '87. The next major rehash happened after I came on board in 2011, we resolved a loophole that didn't let us hear complaints about conflict of interest then in a reap what you sew moment created a flood of complaints. The ethics commission has been busier better than in recent memory. That's a good thing, I think having an independent, energetic commission is something good for the city and we've heard a lot about ethics reform in the last campaign cycle. That's a great thing. The ethics commission has been working hard. These 2-1 changes are part of that reform package and reflect some of the problems we ran into recently in our hearings, the ability to subpoena documents of witnesses would be something that's very helpful for the ethics commission and one other nice thing is through this process, we realize that there was overlap with the auditors' office and ways we can work together and leverage each other's strengths so I think this package -- it took about a year of hard work to get here, where we are today, but I think this package goes a long way to kind of, you know, efficiently ironing out the areas of overlap and also, you know, kind of putting power where both of our strengths lie. And so I think it's great in that -- in that respect. Corrie, our auditor, did a great job, better than I could of explaining exactly what we're proposing to do here. We're adding subpoena power. We're requiring attendance of respondent, clarifying the commission can file its own complaint without a sworn statement. That's a hope hole fix we have. In case the ethics commission itself becomes aware of an ethics violation and wants to

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take action. And also clarifying and improving third-party notice so that everyone who is involved in ethics complaint at least is notified and has the ability to come and speak to it. So with that, I'm here for whatever questions you may have and thank you. >> Tovo: Thanks very much for your work on this. On the commission and on this ordinance change. Other questions? >> Pool: I don't have any specific questions. I just wanted to thank Austin, again. His ethics review commission has been really working very hard on an array of super important issues to our community and I think, in fact, your commission has gotten to be -- has enough work in front of it that you are now planning to meet monthly instead of quarterly. Is that right? >> Yeah. I think we had no choice. I did abstain from the vote but the commission voted to -- as the chair. The commission voted unanimously except for me, abstention, to meet monthly from now on just to handle the workload that we have. >> Pool: If you have any trouble finding a room, I know that the city clerk is working really closely with y'all to find it but let me know if you run into problems. That has turned into a bit of a challenge for us recently. >> Appreciate it. Sure. >> Pool: And I especially wanted to thank you. The work on the subpoena power, I think that is really critical to the work that you'll be doing going forward. The review commission really does need to have that additional tool in order to compel testimony from the people who are affected or who may be the subject of a complaint. And it is a respectful thing, I think, to come when there's a complaint filed so that you can answer directly to the people who are hearing it. So in those cases where that doesn't happen voluntarily, do you need the tool of subpoena power so I support that and thank you for your work on

that. >> Thank you. >> Tovo: Councilmember Renteria. >> Renteria: Yes. I'm just -- was looking at section 2-3 on the collection process of the city auditor vacancy. Did we go through the process

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of three councilmembers or. . . >> This provision of the code was actually waived for the most recent city auditor selection, who can remain unnamed. >> Renteria: Because there was seven members back then and now we're having 11 members? Or is it. . . >> Tovo: So we -- these -- as Ms. Stokes said, we waived, as a council this time we decided to waive -- to waive the provisions and kind of proceed first, looking at -- looking that way. And so that's the reason we didn't do it. I don't think the Numbers are -- I'm not sure if there was a discussion about -- about changing the Numbers, but -- >> Renteria: Okay. I just -- >> Tovo: But, no, this time we did not have the state auditor or the city manager as a -- constituting that committee. >> Renteria: Okay. >> Tovo: Okay. Is there a motion? >> One quick note. I just want to clarify. There are two places where we say that both our office and the city manager will report on the status of investigations or will prepare a summary report twice annually. We settled on twice annually because it was originally quarterly and then we went to annually and it seems like quarterly is way too often, especially given the agenda of the committee, but once a year may not be frequently enough to see things like trends emerging so we have that language in there but we are discussing that with representatives from the city manager in terms of what really should be included in that. I don't know if that language would change necessarily but we may have more information in the future on exactly what we would come back to the committee with. >> Tovo: Thank you. And I remember in some earlier versions there were recommendations -- there were two alternatives but at this point we're working with what was recommended by the ethics commission. So, colleagues, is there a motion to approve the ordinance changes that were

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recommended to us? Oh, I'm sorry, councilmember Renteria moves approval. And it is seconded by councilmember pool. Any further discussion? All in favor? And that is unanimous. So thank you all for your long work on this issue. >> Thank you. >> Tovo: Thanks again to the ethics commission. And thank you for that interesting piece of information about how the ethics -- how and when the ethics commission was formed. That's very interesting connection with national glory we've been doing historian work on the ethics commission in our spare time. >> Tovo: Very interesting. >> Nonexistent spare time you might say. >> Tovo: Okay. We have two items left, and as I understand it, our city clerk would like to take up 881st and then onto 7 so we'll do that. Eight first and then onto 7 so we'll do that. >> Jannette Goodall, city clerk and item 8 should hopefully be a fairly quick item for you. I'll briefly give you the summary. I did provide you a sheet that has some highlights, but with the board and commission tasked together last -- well, in -- I don't remember when it was put together, 2013? To take a look at recommendations for changes to chapter 2-1 and to the boards and commissions, they had recommended that the downtown commission get merged into one of the joint subcommittees of planning and zap. At the last minute, I believe councilmember Reilly proposed an amendment to keep the downtown commission as a separate commission. And that was done from the dais and when it was done we didn't catch that by doing that there was some discrepancy in how the code was currently written. Because code is set up

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originally for a -- for the city council, as a 7-member body, to appoint a member to the commission, plus

eight commissioners appointed by various groups. And so we have some conflicting language in section a of the section on the downtown commission, where it identifies there are 15 members but then in subsection 1 of a it identifies that the the mayor and each councilmember may nominate someone. So we just have a discrepancy between the number and who gets to make the nominations that we're trying to clean up. So I talked to councilmember pool about the possibilities. And so on the second page of the handout that I provided you, we came up with basically three -- and it is one that has yellow highlights on the first page. >> Pool: Could I jump in here really quick? >> Sure. >> Pool: To explain what it was that Jannette was talking with me. It -- I was having a conversation with a member of our law department and we were looking at the land development code and we stumbled over the fact that there was a discrepancy in the language so I referred that over to the city clerk and the law department and they have come up with these additional changes. We weren't actually in search of any discrepancies just happened to stumble over it. So we're just trying to cure what may be a fairly easy -- a problem that is very easy to fix. >> So we came up with three options. One is just to increase the total number of the commission to 19. So we talked about some pros and cons of -- of doing that. Of course the pro is that each councilmember can then make a nomination plus the eight entities as currently outlined

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in the code. The con is as you know, the larger the board, the more difficult it becomes for them to have meetings because of quorum issues and and/or to find a location where they can accommodate a large body plus citizens. The other possibility -- and I gave my handout to councilmember troxclair -- is to. . . >> Troxclair: It is to strike each councilmember may and replace with the mayor nominates seven members to be appointed by council. >> Exactly, just strike that provision and make it like it occurs for any board and commission that has an odd number, that the mayor would make the nominations that would then get appointed and approved by the full council. The third option is to replace that language and to have various council committees make the nominations. The -- keep it at 15 and that a council committee make the nominations. So when we were talking about it, we identified some possible council committees that have some type of interaction or relationship with the downtown commission so that is also a possibility. So really all we're looking for you -- from you today is just a recommendation on how you would like us to proceed with what type of code change to clean up this item. >> Tovo: Thoughts? Preferences? Vice chair troxclair? >> Troxclair: I guess on -- I guess the -- I understand the concerns of having a bigger board but it seems like if we're already at a 15-member board, to me it makes sense to allow each councilmember to have an appointment. And so to bring it to 19 members. >> Pool: And I would just say that that tracks with how we're handling all the other

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commissions and, frankly, is the simplest and probably was the intention originally. >> It is the simplest but I just will warn that you that means the commission will now have to have a quorum of ten in order to meet and to pass action. So we are seeing with some of the larger boards that they are having difficulty getting the quorums at their meetings. So. . . >> Tovo: That would be -- >> Again, I agree, 15, 19. >> Tovo: I would say, to the -- you know, the way we have proceeded at this point has meant that the councilmembers who represent output districts, councilmember Houston and I do not have appointments to the downtown commission. So that is -- that's a real problematic outcome in my book so I'm in favor of an [indiscernible] Allows each councilmember to identify an appointee and I think it would make sense, frankly, for there to be language in there, as we have for the Mueller board, that talks about those -- >> The 2/3 rule? >> Tovo: That wasn't the one I was referring to but for the -- for the

board related to Mueller, we have talked about -- we've set some residency requirements, that they have a connection either in one of the surrounding neighborhoods. And so I think that that would be an important provision here. I know that the criteria talks about downtown residents, providers of social services in the downtown area. So that may be covered, but I think we should emphasize to our colleagues that the appointees should have a connection to downtown. Even if they come from districts all over. And that's pretty easy to do with regard to downtown, I think, to find focuses who live all over the city who have some interests or work downtown. One other option, though, if we're concerned about 19 would be to take a look at C, and see whether there are some

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boards who are -- I mean they're all relevant to downtown, but if we wanted to cut the membership back, I think that's where we should cut it rather than cut councilmember appointments, I think we can just be more selective and pick, say, the top four boards rather than eight boards. >> That is an option. >> Tovo: And, frankly, to me that makes sense anyway, when you look at commissions who are serving on some of our very busiest boards to ask them to attend another meeting they're the likeliest to be absent at the downtown commission and so I would suggest that we look -- that we look to that group and determine which are the most. And I don't know if you'd like for us to do that now or for we should -- if the fastest way to proceed would just be to think about that between here and council but to recommend to the full council that we pass these changes, but that we scale back that board. >> And I do believe councilmember pool has posted this item on the message board earlier. So you could have that discussion on which entities in C to remove. >> Tovo: And it's hard. I mean, as a planning commission, I think they have such a heavy workload, their input is very helpful on the downtown commission. On the other hand, again, they're one of the busiest boards and those individuals -- >> They meet every week twice a month. >> Tovo: Maybe keeping some of these as nonvoting members can be helpful. They can attend, participate if they want to but don't count toward the quorum and aren't required to be there would be another option. I saw responses back there. I wasn't sure if that was kind of a thumbs up or a real concern. [ Laughter ] >> Troxclair: Do we know if -- of these commissions that are listed under C, if all of them have made appointments to the downtown advisory commission?

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>> It sounds like I'm hearing the only one that has not is the downtown Austin community court. >> Pool: Right. >> Troxclair: Okay. >> Tovo: Okay. We'll -- colleagues, how would you like to proceed on this? >> Pool: I'd go ahead and make the motion to move it forward and include in the motion that a consideration would be to -- I liked your idea of having the appointments from the existing commissions possibly be nonvoting members. >> Tovo: Or just scale them back, yeah. >> Pool: Scale them back or have the ones that we scale back could still come and sit in but be nonvoting. >> Tovo: Sure. >> Pool: Especially in the the planning commission. I don't know how often urban transportation meets. Is that once a month, twice a month. >> Tovo: They meet once a month. That's one I flagged I'm not sure how relevant their work is to transportation. Obviously transportation is a big part of downtown but I'm not sure how often their issues intersect. >> I don't really have any history on how the original eight got selected. >> Tovo: So, councilmember pool, just to clarify, which is the option that you're recommending. >> Pool: Oh, I am recommending allowing each councilmember to make an appointment and scaling back the list at C so that possibly we remove, let's say, three. They can still attend and participate as -- but be as nonvoting members. So that list would be intact but, for instance, the difficulty in getting the community court pulled together would not have a negative consequence to achieving quorum for this group. >> Tovo: Okay. So you are making a motion to accept option one? >>

Pool: Yeah, I think that's option one. >> Tovo: And with the additional direction that between now and council we'll have a dialogue on our message board about scaling back appointments from section C? >> Pool: Yes. >> Tovo: Okay. >> Pool: With the caveat that

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they can attend and participate as nonvoting members so they don't affect quorum. Then let's make sure we get the total number for the size of the commission correct, whatever it turns out to be. >> Tovo: Okay. Is there a second? Vice chair troxclair seconds it. Any further discussion? Councilmember Renteria. >> Renteria: So we we're reducing the membership to 15? >> Pool: Possibly. >> Tovo: I think she left it -- I think your motion leaves it open. The intent is to try to narrow this down so it shrinks from 19 but no number was specified. >> Renteria: Okay. >> Tovo: And you might -- you know, jump into the online message board and say 15 seems about right to you. Okay. Any other discussion in you'll you'll -- all in favor? Okay, thanks. That's our recommendation to council. Moving on to item 7. >> So item 7 may take more time. I don't know how much time you want -- I know you're beyond your 11:00 P.M. -- Or 11:00 A.M. -- >> Tovo: Well, long ago, that got extended to 3-hour meeting. We now have 3-hour meetings. >> So we have plenty of time. >> Tovo: We do have time. [ Laughter ] Though I still think two hours is before the right amount of time. So coming in before three would be just fine. >> Renteria: Of course you can go next door and you'll see they have a very long -- >> That's true. I'm glad I'm here and not next door. [ Laughter ] So what we're going to do today is just kind of start through the process of getting council approval on the amendments to the boards and -- board and commission bylaws. And so Dena is going to work through the the whole process. We have it kind of divided into two groups. The first one is the really easy one that shouldn't take a lot of discussion. And that is universal changes to all of the board and commission bylaws resulting from increased membership, all

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of the things that came about with 10-1. And then the second group -- and if we need to, we can come back with the second group at a future meeting -- will be more specific unique changes to a board and commission bylaws that requires some discussion. So I think Dena has it broken down where the universal changes will come first and then if we need to we can come back later with the more specific changes at a future date. >> Tovo: Before we get started could you just help us with the materials in front of us? I see we've got a copy of your powerpoint, and is this the sheet that we're going to use to structure our decisions? >> Yes. So the first -- the first spreadsheet lists all of the boards who have made just universal changes along with the changes that were made in the city code and then the second page -- or the second spreadsheet are the ones that would require -- they're proposed ordinance changes that would impact the recommended bylaw amendments. So the powerpoint will explain it a little bit further, but the -- and I'll go back and forth to explain the rest of the backup I provided are just the -- the boards that would require -- that would require more than just the universal amendments. It would require some consideration from the audit and finance committee. >> Tovo: Okay. >> And full council. >> Tovo: Okay, great. Well, thanks for that explanation. And these are just the passages from code that speak to the changes that we're going to discuss. >> Yes, ma'am. >> Tovo: Okay. I think we should hope to get through all of them today so that these changes can move forward but -- >> I will state, we are going to have to come back to you at a future meeting because we haven't got all of the recommended changes from all

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of the boards and commissions on their bylaws as of yet. >> Tovo: But we could move forward with any we pass here today. >> Yes, right. >> Tovo: Those could sail through council and could you deal with remaining stragglers, thank you. >> I put together a short powerpoint to explain how the bylaw process has gone through. As you now the transition to 10-1 allowed a six-month transition period to allow incoming council to make nominations nominations and approve these members to boards and commissions. These board member terms began July of 2015 and one of their first tasks was to update their board bylaws to reflect city code. The bylaw process was explained to the staff liaisons and new and returning board members during their in-person training. Boards received a spreadsheet of the universal changes and bylaw template listing each universal change. I've listed all of the universal changes so you don't have to go through each of the board bylaws, each board's bylaws but you know what is universally being changed. This updated the number of members that the board is composed of, and it updates the term lengths from three years to four years, with the terms beginning March 1 of the year of appointment. It also added active military service to what qualifies as an excused absence. It changed the officers to be elected at their first regular meeting after April 1. The terms of the officers would begin may 1 and end April 30. An officer may serve four consecutive one-year terms and for an 11-member board six members constitutes a quorum. Additional universal changes include changing the liaison's department, specifically with the division of the planning and development review department we were able to categorize which departments -- which boards

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are being supported by the development services department and the planning and zoning department and it also added additional language to state that a member of the public may not address a board at a meeting on an item posted as a briefing. In the past, the council audit and finance committee would approve the recommended changes and -- for the respective board and -- which would be brought from the clerk's office and they would either approve or disapprove of the bylaw amendments. With the current process, the board bylaws are being brought to the council audit and finance committee for recommendation that will then proceed to the full council for formal approval. This is a list of the 16 boards that we are bringing forward to date who are looking for just those universal changes -- who have approved the universal changes that I listed out. There will be at least one more additional round of possible changes, but if the audit and finance committee is comfortable with making a recommendation to adopt these universal changes, then the clerk's office could just send the additional bylaw amendments for the the boards just adopting those universal changes to the full council instead of having to come back with just these boards who are adopting universal changes. We could just take those forward through the next round to the full council if the audit and finance committee decided to approve these universal changes to board bylaws. There are several boards who have approved additional amendments for the council audit and finance committee to review. And these amendments may require an update to the ordinance and to city code, and they are from the asian-american quality of life advisory commission, commission on seniors, sustainable food policy board, urban transportation commission and zero waste advisory commission. As I mentioned, the

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spreadsheet provides a list of those 16 who just want to adopt the universal changes to align with city code, and then on the second spreadsheet I've listed it in each row for five boards listed who want additional changes. We can go line by line with that one, unless you'd like to break it up to recommend approval of all of the universal changes for those 16 boards, and then we can talk about these five individual boards. >> Tovo: Ms. Estrada, I think that would make the best sense, the second alternative,

so that we would just, as you suggested, start with the boards that have agreed to adopt the universal bylaws changes. Are there any questions about those universal -- is that one -- is now an appropriate time or did you want to run through your presentation? Are there any changes about the -- I mean, any questions about the universal bylaws changes? Is there a motion to apply those to the first 16? 16 boards? >> Renteria: I move. >> Tovo: Councilmember Renteria moves approval and vice chair troxclair seconds it. All in favor. Okay, thank you. >> Just for clarification if we get additional boards who are just adopting the universal changes, do you want us to bring them back to you or can we just submit them? Perfect. >> Tovo: Colleagues I would suggest those just go right to council. >> Pool: Yep. >> Tovo: Great. >> Pool: And make that note why it won't go to audit and finance, is because we are saying -- >> Tovo: Why don't you make that as a motion. >> Pool: I so move. >> Tovo: Councilmember pool moves that any further just goes right to council. I'll second that. All in favor? And that staff direction is approved unanimously. Okay. So this brings us to the second page in our spreadsheet. And would it make sense to start with the ones where you've recommended it?

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Which looks like most. >> Sure. >> Tovo: All, maybe. >> Most. >> Tovo: Except for one. >> Yes, I believe there's only one where staff had -- staff did not recommend because it would be a direct violation of city code. So did you -- >> Tovo: Could we start on the commission on seniors and work through the rest of the sheet and then we'll move back to the asian-american quality of life since that is I think the only one where you've recommended against it? >> Sure. The commission on seniors would like to -- well, amend their bylaws to approve all of the universal changes but also change the current language for article 7h, which states that it -- to be effective a board action must be adopted by the affirmative vote of a number of voters necessary to provide a quorum, and they would like to change that language to state if a quorum is present at a meeting the board action is adopted by the affirmative vote of a two-thirds of the quorum. For this board they're a 15-member board so that would be six votes and if more than a quorum is present at a meeting a board action must be adopted by an affirmative vote of the number of milliseconds necessary to provide a quorum for this 15-member board, that would be eight votes. This would amend the language to allow the same provisions provided to boards with a membership over 13. Currently, it's listed for the downtown commission, the sustainable food policy board and the community development commission -- I'm sorry and the early childhood commission which have a membership of 13 or higher, to allow the ability to adopt -- approve an item if a quorum is present. If only a quorum is present with a two-thirds vote -- approval of that quorum. If more than a quorum is present, then it would be those necessary of a quorum of the entire board. >> Tovo: Thank you. And I think -- so I now differently understand these

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pages. These are the passages of code with the amended language. >> Yes, ma'am. >> Tovo: Okay. So, colleagues, you see if you skip over asian-american you'll get to quality of life, you'll get to the second one and you'll see that language? And that seems consistent with the other boards, as you've explained with the other boards that have membership greater than 13? >> Mm-hmm. >> Tovo: Is there a motion with regard to this amendment? >> Renteria: Yeah, I'll so move. >> Tovo: Okay, councilmember Renteria moves approval of that amendment. Councilmember pool seconds it. All in favor? That passes on a vote of three with vice chair troxclair off the dais. >> Great. Okay. The next board is the sustainable food policy board. They have also approved all of the universal changes to align with city code. The only additional change that they have approved is a change of name. Current name of the board is sustainable food policy board and that is often confused with the existing sustainable food center, which

is an austin-based nonprofit and they frequently have to explain that they are not associated with this nonprofit. So they have voted and approved to change the name of their board to the austin/travis county food policy board. This would, as I mentioned change the name and avoid the confusion. And staff recommends this amendment. As you probably already know, half of the membership is appointed by the Travis county commissioners court. >> Pool: I'll move approval. >> Tovo: Councilmember pool, you would like to also include -- well, okay. We need to take up the universal policy amendments that apply to these boards as well. I don't think our original motion captured these. >> Pool: Does the universal change the three to four in every case where it hadn't already been captured?

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Because I see that's on this amendment sheet, three to four years for the terminations. >> Tovo: Actually -- >> Yes, so all of the universal changes we mentioned in the powerpoint would -- >> Pool: Right, including active military service as well? >> So we will add all of these to the list of boards who have adopted the -- >> Tovo: Right, we haven't taken these up separately. I assume they were included in the 16 we did but they're not. So we'll just take -- I mean, we'll just do them both. Okay, yeah. Any other questions about the -- just to -- about the name change? Okay. Councilmember Renteria seconds it. All in favor? Nu though it's kind of a lengthy name. >> Pool: Oh, I think we can find a longer one. >> Tovo: I think there's some benefit of short names but I understand the -- >> Pool: Atc. >> Tovo: That passes unanimously with vice chair troxclair off the dais. Why don't we just have one motion if somebody is willing to make it to recommend the universal amendments applied to the asian-american quality of life commission, the commission on seniors, the now renamed austin/travis county food policy board, the zero waste advisory commission, and the urban transportation commission? >> Pool: So moved. >> Tovo: All in -- second? Councilmember Renteria seconds it. All in favor? That passes on a vote -- councilmember Renteria, are you going to vote in favor of that. >> Renteria: Yes. >> Tovo: Super. That passes unanimously with vice chair troxclair off the dais. And that covers the the universal for everybody, right? >> Yes, ma'am. >> Tovo: All right. Moving on, zero waste. >> So you would like to go over zero waste first or the asian-american quality of life advisory commission? >> Tovo: If the -- if the zero waste advisory commission, it looks like all of the amendments are recommended by staff, so I would suggest we get to those. And then move on to urban transportation, where you're

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recommending all those amendments to. Then we can go back and talk about -- if we still have time we can go back and talk about the one where we may need to spend a little more time. >> Sure. >> Tovo: Thanks, Mr. Get hard for being with us. >> So the bylaws for the zero waste advisory commission included additional language to their purpose and duties so this would change -- this would require an ordinance change to update the -- well, the ordinance and the city code to -- for all of these changes. And the additions are highlighted in the bylaws provided to you, highlighted in green, to the purpose and duties in article 2, as well as the updates to the the duties for the universal recycling ordinance committee, which are highlighted in green. And the creation of the organic management -- organics management committee, which all committees have to be right now recommended by the council audit and finance committee and approved by the full council. >> Tovo: you would like to provide a little context? >> Yes, real quick context. Our newly formed commission caught the old solid waste language in the bylaws and determined that this would be a good time to bring it up to date. Some of the changes, instead of solid waste management, materials management, or resource recovery, waste being replaced with discards or discard streams, things like that, throughout the system. Then there's also a mention of three committees, the universal recycling ordinance committee, the c&d, construction and



demolition agree committee and the organics committee and those bring the commission up to date within its bylaws on its current actions and

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activities. >> Pool: I think this is going to be fine, but it's hard to read in the green. And so. [ Laughter ] So let me just make sure I -- I think I'm seeing the words material discard, materials residents, resources, disregard materials. So that's on the first page. >> Tovo: I think it was management. >> Pool: Yeah. On the second -- third page at the back, line 30f, article 7 meetings, that green turned black so we don't -- does it say six members constitute a quorum? Am I actually able to read that? >> It does, it says six. >> Pool: I have laser vision. >> That's very good. [ Laughter ] >> Tovo: I could put it on Facebook and have it be one of those buzz puzzlers, left out vowels. >> That's one of the universal changes. >> Pool: All righty so that is six. And it's -- I like the idea of the additional working groups and committees. I think that's really helpful. >> Tovo: Did I hear you say that now committees -- so prior to some of the changes in the code, audit and finance could approve new committees? >> Yes, ma'am. >> Tovo: Had to approve new committees? >> Because if you remember, audit and finance used to consist of a quorum of council and so you were able to actually take final action on items rather than making a recommendation. So since the committees are listed in bylaws, that is technically a bylaw change and so we did bring committees back to you. >> Tovo: I see, okay. And so because we're no longer a quorum, we can't -- we cannot make final decisions on committees. So now -- so now any of our commission that's want to create a committee have to go through a two-step process. >> Yes. >> Tovo: They have to come here and then to council for

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final action to create a committee. >> So we're going to look to see if. >> Tovo: That's a bit cumbersome. >> It is. >> Tovo: It was always but now it's more so. >> To try to make it a little easier we were going to look at the board and commission appointment item and see if there was a way that we could merge, especially anything that was very simple, into that same process so that it would be all one item and easier to do. >> Tovo: Good idea. Okay. Any action anyone wants to suggest on the bylaws changes for the zero waste advisory commission. >> Pool: I'll move approval. >> Tovo: Okay. Councilmember Renteria seconds it. All in favor. And that passes unanimously, councilmember Renteria you voted for it, right? >> Renteria: Mm-hmm. >> Tovo: With vice chair troxclair off the dais. >> Okay. So then we move on to the urban transportation commission. And the urban transportation commission -- >> Tovo: Sorry, just to clarify, those were -- making those changes that hits those three items that were listed on ours. >> Yes. >> Tovo: With regard to the universal recycling ordinance and the organics management, okay. >> Yes, ma'am. >> Tovo: Sorry about that, sorry to interrupt. >> No worries. >> Tovo: Now we're moving on to urban transportation. >> Yes. So the urban transportation commission I actually went to speak with them and they had a one-person working group who went through the city code and found every mention of their name and put together a revised -- the two pages of the revised bylaws which are just the revision of their purpose and duties. That now makes this a three-page just for article 2, purpose and duties. And this large spreadsheet lists out where the urban transportation commission found their roles in city code in each mention of their roles and the section of code that was found. The only two that we would not recommend adding to their

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bylaws is number 2 and three, where it says downtown commission and joint sustainability committee,

because both of those boards have their own bylaws, where they talk -- where they go into detail of the membership of their boards. So for the downtown committee, no other board does it have they're -- there's a nominee from this respective board in these bylaws. It's covered in city code and it's also covered in these respective boards' bylaws so no need to add that. But Jim Dale, who is the executive liaison with the urban transportation commission went through this with all of the board -- with the entire board and the membership of the board to decide -- or to figure out which sections of code and the description of what the urban transportation commission does to add them to their purpose and duties. So they are listed here. >> Tovo: [Off mic] I think the other reason -- the other good reason not to add number 2 is because that's the board that we're contemplating membership changes to anyway. Right? >> Pool: Right. >> Tovo: Does someone want to make a motion either for all of the recommendations that came forward or those that the staff are recommending, which are 1-14 with the exception of 2 and 3. >> Pool: Real quick question before answering that. I'm looking at the memo from Jim Dale and all of the items in red, are those the changes that you're talking about, Mayor Pro Tem? We're the 1-14 are on this list here, right? This is the list? >> Yes. >> I'm sorry? >> Pool: Which list? >> Yes, this is the one -- these red items been

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incorporated in the spreadsheet? >> It's 4-14. >> Tovo: Super. So yes. >> Pool: Okay. I guess the one thing I would ask is has the mobility committee -- did you mention whether the mobility committee had seen what the urban transportation commission was recommending? >> They have not. >> Tovo: But I -- but that's already in the code. So I think what -- >> Yes. >> Tovo: So all of these responsibilities are assigned somewhere in code to the urban transportation commission. And so all we're doing is incorporating them into -- >> Right. They just did -- >> Tovo: The passage that talks about urban transportation so it's organized. We're not really looking -- >> So these are all of their current roles and duties and responsibilities or purposes that were already previously identified in the city code. But never captured in a bylaw. >> Pool: I think that's a really good idea to do that. >> So -- >> Pool: My question, more specifically, goes to the three-pager from Jim Dale. The red on the last page, just as an example, not that this is something that I'm picking on, but it talks about alternate geometric design criteria, construction of grades year than 8% require traffic and environmental report submitted to works department, the report shall be provided to the commission, meaning the urban transportation commission, which will submit recommendations to the planning commission. Is that new or is that existing language? Just as an example of an item that is explicated here. >> That is part of the transportation criteria manual so that is a current process. >> Pool: Okay. And do we -- is that happening currently? >> I cannot answer that because I -- I would assume, since they are asking that it

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be incorporated, that they are currently doing it. >> Pool: Okay. >> It is part of the criteria manual that they have at least been operating under. >> Pool: Okay. >> Tovo: The other one that captured my attention, I remember the discussion that assigned these duties to the urban transportation commission, and that is number six, closures for a temporary right-of-way event. I'm not sure how often those actually go to the urban transportation commission and, furthermore, when the rules and the new ordinance for events was adopted for street closure events was adopted, the urban transportation commission was tasked with doing some follow-up work and looking at the number of events in -- particularly in the downtown area and making some suggestions about whether the frequency was appropriate whether other areas of the city could be identified. And as far as I know, I don't think that mantle has really been taken up by the urban transportation commission so that's did two questions,

whether six is happening now and -- and then also there are these other pieces of related -- related to six that I don't see on this list that I'm not sure have been actually ever taken up by the urban transportation commission as kind of an ongoing policy discussion. >> If the committee would like, we can -- I spoke with -- I invited all of the board chairs for the ordinance change -- changes, the five boards, to -- I invited all of the chairs to attend as well as the staff liaisons. Unfortunately, chair Johnson was out of town this week and the executive liaison is currently at the mobility committee meeting. So wasn't able to be here and provide explanation. I did let him know -- I did let Jim know that if he -- if there were any questions that the committee had, we could maybe recommend to the -- I don't even know if I'm allowed

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to make a recommendation to you like this, but for this to come back to the December 14 audit and finance committee meeting. >> Tovo: >> Pool: I think that would be really helpful and give us a little bit more time to initialize these, the changes here have a good foundation for inclusion, but it would also be helpful to have the liaison here to speak more directly to answer some of the questions. >> Tovo: I'm happy to delay that. I think as long as they exist somewhere in code one of two things has to happen, either they belong in the bylaws or they need to be stricken from the appropriate code. So I have no issue, whatever we decide. Whatever approach we decide to take, I'm happy to adopt them into the bylaws and have a -- task somebody with having a bigger conversation about whether these are appropriate duties. >> Pool: And I think that might -- >> Tovo: Or just table the whole thing. >> Pool: That might fall to the mobility committee, not us, as far as whether these are appropriate duties to be in the bylaws from a process and subject matter perspective. >> Tovo: Sure, I think that's fine. >> Pool: Because we're looking at it more from the city clerk's process and more procedural but as far as the content of these items, I think -- I feel like -- I don't feel like I can really even -- >> Tovo: So the other option ahead of -- before us could be, too, to adopt these into their bylaws -- well, I guess I would like look to our clerk to see whether -- what's the most expedient? If we adopt these into the bylaws, it's going to take the mobility committee, I would say, a couple meetings to get to the point where they're looking at the content of it. I'm happy to adopt them into the bylaws today with the direction that we would like the mobility committee in the future to look at whether these are appropriate responsibilities but just in terms of shoring up, making sure that the urban transportation commission's bylaws clearly reflect what's already in the the code for them to do. >> Pool: That makes sense. So we would adopt these changes and task the mobility

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committee for the subject matter review to ensure that they are appropriate and they go far enough or they don't go too far. >> Tovo: Yeah. >> Pool: For the appropriateness of them? And I -- so that could be the substance. That would be my changed amendment -- motion, then. >> Tovo: Is there a second for that? >> Renteria: Yeah, yes, I second that. >> Tovo: Having -- >> Renteria: Also, I'm really impressed with this sheet here. You know, I really like this. >> We'd like to take credit, but -- >> It was Jim dale. [ Laughter ] >> Renteria: I'll be asking for some of this type of information from these other committees. So. [ Laughter ] >> Great. >> Tovo: He set a high bar, that one-person working committee. Then I guess having suggested that approach I would just ask our clerk, is that two cumbersome, if the mobility committee comes back in a couple months and says we want to strike all of these? Would you prefer we delay action until they've had that discussion or prefer we take action and task them with the longer review? >> I don't think -- I think your approach is fine. If they come back and -- in a couple months, which if they came back in a couple months, then they would probably be making a recommendation to

initiate code changes, which would make probably another month or two, at least. >> Tovo: Yeah, that's right. >> And so, you know, it may be that we could also incorporate then just to go ahead and modify the bylaws to accommodate any code change without having to bring the bylaws back. >> Tovo: That would make sense. Let's remembering to do that. I think it does make sense to recommend the bylaws change, allow for that longer discussion, and then we'll all hopefully remember if we initiate any code changes to make sure that they get reflected back into the bylaws without need to come back through the whole process again. Okay. Any other questions, comments? All in favor? Passes on a vote of 3-1, vice chair troxclair off the dais. And now we're ready for the asian-american quality of life

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and that's our last body of changes. >> Yes. So the asian-american quality of life advisory commission made two recommendations, approved two recommendations besides their universal changes and the first one was to article 7f which the current language states that four members constitutes a quorum, which is actually eight, since they are a 15-member body? 11 -- 15-member body, sorry, but that was changing from when it was a 7-member body, that's where it says four members but the proposed language that they have is a quorum shall consist of the majority of the appointed commission members but shall be no less than six members. So this would change quorum based on the current appointments made to the asian-american quality of life commission and not be based on the total potential membership of the board and since staff doesn't recommend this amendment because it would be a direct violation of city code and the Texas open meetings act. Our recommendation is to list it as eight members constitutes a quorum of the board since that is what a quorum of the 15-member board should be. And in explaining that one, article 7h, which is the other article -- the other recommendation they made, which would be to -- that the proposed language to allow this 15-member board to -- when a quorum is present, two-thirds -- they only need two-thirds of the quorum to approve an item, and if there's more than a quorum there then it would be the member -- what is a -- a quorum of that membership, which is eight members. Sorry. So while we recommend 7h, since it is a 15-member board,

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staff doesn't recommend 7f because those two would actually be in violation of each other, conflict with each other. >> And I think my concern with making any change to the quorum, we did that during the transition period just so that we could keep them functioning, is if we approve a change to a quorum on this board, I would venture to guess that you're going to get hit with practically every other board asking for an exception to the quorum and that quorum then would change on a regular basis throughout the year as their membership changes, as people leave. And so I think it would be very difficult for the citizens to know what to expect and how many will be there and how many it takes to approve an item. >> Pool: I would be happy to move approval of the changes to the asian-american quality of life bylaws not -- not F, not item F, but H. Or I guess if we don't -- if we don't move to approve these, then they just go away, right? We don't have to -- do we need to approve the document as it is, without F? I guess you'll have to reletter them. >> Well, it will renumber accordingly, but yes. >> Pool: Okay. So we do need a motion to approve this? >> Yes, if you're going to go ahead and approve what is currently 7f -- or 7h, which is pretty much, I think, going to become standard practice for any board that is more than 13 -- 13 or more, then if we could get a recommendation and a motion on that one and with the understanding that seven -- the current 7f is not being approved. >> Pool: Right. And that would be my motion. So we approve the rewording on H and no change to the wording on F. >> Renteria: I second that. >> Tovo: And are they not fully appointed? Is that part of the issue? >> The asian-american quality

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of life advisory commission consists of 11 members appointed by council and four stakeholders, nominated by the current membership and approved by council. When they adopted these bylaws, they were having a hard time meeting under the 14 -- I'm sorry, the 15-member -- well, the eight members of the quorum. So they -- they have now -- I believe every councilmember -- yes, I'm certain now every councilmember has made an appointment to this board so they're having less trouble. >> Tovo: Great. >> When these were -- now than when they were adopted. >> Tovo: I don't think we should monitor that board and some of the others that have -- like the downtown commission, a group of individuals who may have other responsibilities and they're serving on those boards in that capacity. >> Or who are not directly appointed by councilmembers. >> Tovo: That's right, yes, and see whether we need to come up with a different kind of situation for those. Again, making them nonvoting members, part of the group but they don't vote so they don't impact quorum. >> Yes. >> Tovo: So let's continue to monitor that. I heard similar -- there was another one or two boards that -- >> Right, I know the African-American resource revisory commission is having some very similar, so I think we need to look at it how do we solve the problem without just taking the easy fix of, well, let's just make quorum two and off you go. >> Tovo: I agree, I agree. Okay. Any other comments? All in favor? That passes unanimously nap was our last order of business except for nine. Are there any future agenda items we need to discuss today? All right, we stand adjourned at 11:57 a.m.