

ORDINANCE NO. 20141211-204

AN ORDINANCE AMENDING CHAPTER 2-1 OF THE CITY CODE RELATING TO CITY BOARDS.

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

PART 1. City Code Section 2-1-6 is amended to read:

§ 2-1-6 QUORUM AND ACTION.

- (A) A majority of the total number of authorized board members constitutes a quorum for the conduct of business. For an 11 [~~a seven~~] member board, six [~~four~~] board members constitute a quorum.
- (B) A board action must be adopted by an affirmative vote of the number of members necessary to provide a quorum. For an 11 [~~a seven~~] member board, a board action must be adopted by an affirmative vote of six [~~four~~] board members.
- (C) All members necessary to provide a quorum must be physically present at a meeting to conduct business.
- (D) An ex officio member of a board that is subject to the requirements of this chapter may participate at board meetings, but may not vote or bring a motion and does not count towards calculation of a quorum or any other minimum vote count required by city code or state law.

PART 2. City Code Section 2-1-22 is amended to read:

§ 2-1-22 MEMBERSHIP TERM AND LIMITATION.

- (A) A board member is appointed for a term of up to four [~~three~~] years beginning March [~~August~~] 1st. The tenure of a board member runs concurrently with the tenure of the city council member who appoints the member.
- (B) Except as provided in Subsection (C), a board member may serve no [~~not~~] longer than eight [~~nine~~] consecutive years on the same board. Service before July 31, 2015 [~~2008~~] is excluded in determining the number of years served.
- (C) A board member who has served eight [~~nine~~] years on the same board is not eligible for reappointment to that board until the expiration of two years after the last date of the member's service on that board.

PART 3. Subsection (B) of City Code Section 2-1-42 (*Officers and Committees*) is amended to read:

- (B) A person may not serve as an officer in a designated position of a board for more than four [~~three~~] consecutive one-year terms. Service before July 31, 2015 [~~2008~~] is excluded in determining the number of years served. A person who has served as an officer in a designated position of a board for four [~~three~~] consecutive terms is not eligible for re- election to that designated office until the expiration of two years after the last date of the person's service in that office, unless, by a two-thirds vote, the board votes to reelect the person to that designated office for an additional term. For an 11 [~~a seven~~] member board, eight [~~five~~] members constitute a two-thirds vote.

PART 4. City Code Section 2-1-44 (*Meeting Procedures*) is amended by adding a new Subsection (E) to read:

- (E) A member of the public may not address a board at a meeting on an item posted as a briefing.

PART 5. Subsection (A) of City Code Section 2-1-46 (*Annual Internal Review and Review Report*) is amended to read:

- (A) Each calendar year, a board chair must conduct an internal review of the board and prepare an internal review report using the template provided by the city clerk. The internal review report must be filed with the city clerk and the city department assigned to support the board by July [~~March~~] 31 of each year.

PART 6. Subsection (C)(3) of City Code Section 2-1-49 (*Communications Using Electronic Devices*) is amended to read:

- (3) A board member who does not comply with the training requirement prescribed in Subsection (B)(8) of Section 2-1-23(*Training*), or does not accept the terms of the user agreement, may not have access to a City e-mail account. A board member who does not have access to a City e-mail account may not use electronic devices for communications related to board business.

- (a) Except as provided by (b), a board member who uses electronic devices for communications related to board business in violation of this subsection automatically vacates the member's position. A board member who vacates a position under this subsection does not hold over under [~~subject to the hold over provision in~~] Section 2-1-27 (*Vacancy and Hold Over Capacity*).

- (b) This subsection does not prohibit a City employee who is assigned to support a board as a job duty from contacting a board member by telephone or e-mail or prohibit the board member from responding to a communication initiated by the liaison.

PART 7. City Code Section 2-1-101 (*African American Resource Advisory Commission*) is amended by amending Subsection (A) to change the reference to the Capital City African American Chamber of Commerce to the Greater Austin Black Chamber of Commerce, and by adding new Subsections (D) and (E) to read:

- (D) The commission shall advise the council on matters related to the African American Cultural and Heritage Facility, the George Washington Carver Museum and Cultural Center, and the African American Cultural Heritage District
- (E) In addition to the 11 members nominated by the council, the council shall appoint six additional members nominated by the commission who represent the Austin Revitalization Authority, the Greater Austin Black Chamber of Commerce, the National Association for the Advancement of Colored People, the Austin Area Urban League, the African American Cultural Heritage District Community Advisory Board, and the George Washington Carver Ambassadors.

PART 8. Subsection (B) of City Code Section 2-1-102 (*Animal Advisory Commission*) is amended to read:

(B) The council shall appoint among the [as] commissioners at least:

- (1) one licensed veterinarian [~~, nominated by the mayor~~];
- (2) one city official [~~, nominated by the Place 2 council member~~];
- (3) one person whose duties include the daily operation of an animal shelter [~~, nominated by the Place 3 council member~~];
- (4) one animal welfare organization representative [~~, nominated by the Place 6 council member~~]; and
- (5) one person recommended by the Travis County Commissioners Court, [~~, nominated by the Place 4 council member~~];
- (6) ~~one person nominated by the Place 1 council member; and~~
- ~~one person nominated by the Place 5 council member.]~~

PART 9. City Code Section 2-1-104 (*Asian American Quality of Life Advisory Commission*) is amended by renumbering the existing Subsection (B) as Subsection (C), and adding a new Subsection (B) to read:

- (B) The commission shall have 15 members appointed by the council. Each council member shall nominate one member, and the commission shall nominate four members who represent community stakeholders.

PART 10. City Code Section 2-1-105 (*Austin Airport Advisory Commission*) is amended to change the name of the commission to the Airport Advisory Commission. The references to the Austin Airport Advisory Commission in the caption of Section 2-1-105 and in Subsection (A) of that section are changed to Airport Advisory Commission. The reference to the City of Austin Airport Advisory Commission in City Code Section 13-1-171 (*Definitions*) is changed to the Airport Advisory Commission.

PART 11. City Code Section 2-1-107 (*Austin Community Technology and Telecommunications Commission*) is amended to change the name of the commission to the Community Technology and Telecommunications Commission. The references to the Austin Community Technology and Telecommunications Commission in the caption of Section 2-1-107 and in Subsection (A) of that section are changed to the Community Technology and Telecommunications Commission.

PART 12. City Code Section 2-1-108 (*Austin Mayor's Committee for People with Disabilities*) is amended to change the name of the committee to the Mayor's Committee for People with Disabilities. The references to the Austin Mayor's Committee for People with Disabilities in the caption of Section 2-1-108 and in Subsection (A) of that section are changed to the Mayor's Committee for People with Disabilities. Section 2-1-108 is further amended by adding a new Subsection (D) to read:

- (D) The council encourages the committee to hold periodic joint meetings with the Commission on Seniors.

PART 13. City Code Section 2-1-109 (*Austin Music Commission*) is amended to change the name of the commission to the Music Commission. The references to the Austin Music Commission in the caption of Section 2-1-109 and in Subsection (A) of that section are changed to the Music Commission.

PART 14. Subsection (B) of City Code Section 2-1-111 (*Board of Adjustment*) is amended to read:

- (B) The board shall be composed of 11 [~~seven~~] members.

PART 15. City Code Section 2-1-122 is amended to read:

§ 2-1-122 BUILDING AND STANDARDS COMMISSION.

- (A) The Building and Standards Commission is established to hear cases concerning alleged violations of the City's regulations and ordinances relating to the condition of and minimum standards for the maintenance of existing residential

and nonresidential structures, premises, property, and establishments. The commission consists of two panels. The panels may schedule their meetings and divide their caseloads to hear cases efficiently.

(B) Each panel consists of 11 members. Each member of each panel is appointed for a term of two years or until a successor is appointed and qualified. A vacancy is filled for the unexpired term.

(C) The fire marshal and the health authority [~~representative~~] are ex officio members of each panel of the commission. [~~The code official shall also serve as the commission's executive secretary.~~] An ex officio member may designate a representative to attend a hearing.

(D) The code official or the code official's designee shall present cases to each panel and keep each panel's records.

(E) [(D)] The city council may remove a commission member [~~or alternate member~~] for cause on a written charge. Before a decision regarding removal is made, the city council must hold a public hearing on the matter if requested by the commission member who is subject to the removal action.

(F) [(E)] Each panel of the [The] Building and Standards Commission shall have the powers and duties granted by, and shall comply with the procedures of, Texas Local Government Code Chapter 54, Subchapter C (Quasi- Judicial Enforcement Of Health And Safety Ordinances), Texas Local Government Code Chapter 214 (Municipal Regulation of Housing and Other Structures), Subchapter A (Dangerous Structures), City Code Chapter 4-14 (Registration of Rental Property), and City Code Chapter 25-12, Article 9 (International Property Maintenance Code).

PART 16. Subsection (A) of City Code Section 2-1-127 (*Community Development Commission*) is amended to read:

(A) The Community Development Commission is composed of 15 members appointed by the council, as follows:

- (1) seven members nominated by residents from each of the geographic areas designated in Subsection (B); and
- (2) eight members [~~a member~~] nominated by the mayor [~~each member of the city council; and~~]
- ~~(3) one additional member].~~

PART 17. Subsection (B) of City Code Section 2-1-131 (*Commission on Seniors*) is amended to read:

(B) The council shall appoint 15 ~~[14]~~ commission members:

(1) the mayor may nominate two commission members and each council member may nominate one commission member;

(2) the ~~[The]~~ Travis County Commissioners Court shall appoint one commission member;

(3) the ~~[The]~~ Area Agency on Aging of the Capital Area shall appoint one commission member;

(4) the ~~[The]~~ Capital Metropolitan Transportation Authority shall appoint one commission member.

PART 18. City Code Section 2-1-131 (*Commission on Seniors*) is amended by adding a new Subsection (E) to read:

(E) The council encourages the commission to hold periodic joint meetings with the Mayor's Committee for People with Disabilities.

PART 19. City Code Chapter 2-1 (*City Boards*) is amended by renumbering Section 2-1-141 (*Downtown Commission*) as Section 2-1-140, and adding a new Section 2-1-141 to read:

§ 2-1-141 ECONOMIC PROSPERITY COMMISSION.

The council creates the Economic Prosperity Commission to advise the council on matters related to construction and job creation. The Commission should include representatives from trade and business associations and chambers of commerce.

PART 20. City Code Section 2-1-144 (*Environmental Board*) is amended to read:

§ 2-1-144 ENVIRONMENTAL COMMISSION ~~[BOARD]~~.

(A) In this section, "department" means the Watershed Protection Department.

(B) The Environmental Commission ~~[Board membership]~~ should ~~[may]~~ include a Barton Springs-Edwards Aquifer Conservation District board member or staff person who has professional expertise in geology, hydrology, or ecology; and members who have:

(1) ~~[persons who have]~~ demonstrated concern for and the desire to improve the status of the natural resources and living environment of the City;

- (2) ~~[a person who has]~~ professional expertise in geology, hydrology, civil engineering, land planning, or ecology; and
- (3) expertise in arboriculture, urban forestry, or landscape architecture ~~[a Barton Springs Edwards Aquifer Conservation District board or staff person who has professional expertise in geology, hydrology, or ecology].~~

(C) A member described in Subsection (B) (3) need not be a City resident.

(D) Not more than three members should be employed in land development or related activities.

(E) The department director, the urban forester, the city arborist, and the director of the Parks and Recreation Department are ~~[shall be an]~~ ex officio members of the commission ~~[board]~~ for the purpose of deliberation on a matter relating to the department for which each of them works.

(F) The commission may ~~[board is empowered to]:~~

(1) review and analyze the policies relating to the environmental quality of the city; ~~;~~

(2) ~~[to]~~ act as an advisory board to the city council, the city manager, and the department in their efforts to oversee the protection and integrity of the natural environment; ~~;~~

(3) promote growth management and land use planning, minimize degradation of water resources, protect downstream areas, and promote recreation opportunities and environmental awareness; and

(4) study, investigate, plan, advise, report, and recommend any action, program, plan, or legislation which the commission determines necessary or advisable for the care, preservation, pruning, planting, replanting, removal, or disposition of trees and shrubs and other landscaping in public parks, along streets, and in other public areas.

(G) The commission ~~[board]~~ shall:

(1) assist the city council, the city manager, and the department in studying, promoting and enforcing environmental protection policies to assure the health, safety, welfare and quality of life of all citizens within the City's incorporated boundaries as well as those within its extraterritorial jurisdiction where the boundaries apply; and

(2) develop and establish a comprehensive urban forest plan for the planting, maintenance, and replacement of trees in parks, along streets, and in other public areas. When a portion of the plan has been developed and established, it shall be submitted to the city council for adoption before implementation.

(H) The commission [~~board~~] shall advise the city council, the city manager, and the department concerning policies, projects, and programs that affect the quality of life or have the potential to affect the environment, including those that relate to or affect:

(1) water quality:

- (a) watershed protection;
- (b) urban runoff;
- (c) innovative wastewater treatment;
- (d) regional wastewater treatment;
- (e) improvement and protection of the Colorado River and the Edwards Aquifer; and
- (f) wastewater irrigation;

(2) growth management and land use planning:

- (a) municipal utility district review;
- (b) capital improvement project review; and
- (c) the comprehensive plan;

(3) construction controls for erosion and sedimentation;

(4) City environmental policies regarding monitoring and enforcement;

(5) solid waste disposal plan alternatives;

(6) watershed protection:

- (a) flood control;
- (b) erosion control;
- (c) water quality; and

- (d) utility management;
- (7) roadway planning;
- (8) beautification;
- (9) recreation resources;
- (10) public education on environmental matters;
- (11) hazardous waste materials management;
- (12) revegetation and landscaping;
- (13) air quality; ~~[and]~~
- (14) noise abatement; and
- (15) all matters pertaining to the City's urban forest.

(I) The commission ~~[board]~~ shall:

- (1) review all variances to requirements for water quality related to environmentally sensitive areas;
- (2) review the monitoring of storm water runoff in developed and undeveloped areas;
- (3) review the efficiency of existing and proposed structural and nonstructural controls;
- (4) periodically review the effectiveness of Chapter 25-4 (*Subdivision*);
- (5) review waste treatment permits within the city's extraterritorial jurisdiction;
- (6) review programs and policies for flood control, erosion control, and water quality;
- (7) review capital improvement projects;
- (8) review municipal utility district proposals and amendments;
- (9) review roadway plan amendments;
- (10) recommend urban runoff standards; and
- (11) review the environmental elements of planned unit developments.

- (J) The commission [~~board~~] may recommend and initiate, with the advice and consent of the city council, specific project studies concerning any of the matters described in Subsections (H) and (I), or any other related environmental or urban forestry issue.
- (K) The commission [~~board~~] shall make reports and recommendations for standards and criteria concerning any of the matters described in Subsections (H) and (I), or any other related environmental or urban forestry issue.
- (L) The commission [~~board~~] shall promote close cooperation between the City and all private citizens, institutions, and agencies interested in or conducting natural resource, [~~and~~] environmental, and urban forestry activities, so that all similar activities within the city may be coordinated to secure the greatest public welfare.
- (M) A project for which commission [~~Environmental Board~~] review is required:
- (1) must be submitted to the appropriate staff before the meeting at which it will be considered; and
 - (2) may not be considered by the Planning Commission, the Zoning and Platting Commission, or the city council until the commission [~~board~~] has had an opportunity to review the project at a regularly scheduled meeting and to report its findings.

PART 21. Subsection (A) of City Code Section 2-1-170 (*Sustainable Food Policy Board*) is amended to read:

- (A) The Sustainable Food Policy Board is composed of 13 members. The Board may include representatives from the retail food industry, consumer interest groups, the health care and wellness community, the emergency food program community, the local agriculture industry, soil and compost producers, the food or nutrition education field, the non-profit food organization community, the for-profit food industry, and the food manufacturing industry. Board members need not be city residents.
- (1) The City Council shall appoint seven [~~7~~] members nominated by the mayor.
 - (2) The Travis County Commissioners Court shall appoint six [~~6~~] members.

PART 22. City Code Chapter 2-1 (*City Boards*) is amended by adding a new Article 3 to read:

ARTICLE 3. PERMANENT JOINT COMMITTEES.

§ 2-1-201 PURPOSE; APPLICABILITY.

- (A) This article creates permanent joint committees of boards.
- (B) This article does not preclude a board from forming a joint committee with another board as may be necessary or convenient in performing the duties assigned to the board.
- (C) Except as provided in this article, a permanent joint committee is subject to this chapter in the same way as a board.
- (D) Unless otherwise provided a permanent joint committee may meet as necessary or convenient.

§ 2-1-202 ECONOMIC AND CAPITAL BUDGET JOINT COMMITTEE.

- (A) The council creates the Economic and Capital Budget Joint Committee of the Planning Commission and the Zoning and Platting Commission to advise the council on the implementation of projects approved by the voters in bond elections.
- (B) The committee consists of 11 members as follows:
 - (1) four members of the Planning Commission selected by the Planning Commission;
 - (2) three members of the Zoning and Platting Commission selected by the Zoning and Platting Commission; and
 - (3) four members appointed by the Council Audit and Finance Committee.
- (C) At least one member of the committee must be a professional engineer.
- (D) The committee shall meet at least once every six months.
- (E) The committee shall monitor the city manager's plans relating to the issuance of bonds and the implementation of projects approved by the voters, including the annual appropriation of bond funds and changes in the amount of bonds issued or cash commitments made.
- (F) The city manager shall assign staff as necessary to assist the committee in the performance of its duties.

§ 2-1-203 JOINT CULTURAL COMMITTEE.

- (A) The council creates the Joint Cultural Committee of the African-American Resource Advisory Commission, the Arts Commission, the Asian American Quality of Life Advisory Commission, the Economic Prosperity Commission, the Historic Landmark Commission, the Library Commission, the Mexican American Cultural Center Advisory Board, the Music Commission, and the Parks and Recreation Board to advise council on a cohesive direction and perspective on cultural issues in Austin and to provide opportunities for collaboration and information-sharing among the boards.
- (B) Each of the boards enumerated in Subsection (A) shall select one of its members to serve on the committee.

§ 2-1-204 JOINT INCLUSION COMMITTEE.

- (A) The council creates the Joint Inclusion Committee of the African American Resource Advisory Commission, the Asian American Quality of Life Advisory Commission, the Hispanic/Latino Quality of Life Resource Advisory Commission, the Commission on Immigrant Affairs, the Mayor's Committee for People with Disabilities, the Commission on Seniors, and the Commission for Women to advise the council on issues pertaining to diversity and inclusion.
- (B) Each of the boards enumerated in Subsection (A) shall select one of its members to serve on the committee. Each of the boards shall also designate a second member to serve in case of the inability of its designed member to attended a meeting of the committee.
- (C) The council shall appoint to the committee a person nominated by the committee to represent the lesbian, gay, bisexual, and transgender community.

§ 2-1-205 SMALL AREA PLANNING JOINT COMMITTEE.

- (A) The council creates the Small Area Planning Joint Committee of the Planning Commission and the Zoning and Platting Commission to advise the council on issues surrounding planning and zoning in areas such as downtown, corridors and centers, neighborhoods, the waterfront, planned unit developments, and transit oriented developments.
- (B) The committee consists of seven members as follows:
 - (1) four members of the Planning Commission selected by the Planning Commission; and
 - (2) three members of the Zoning and Platting Commission selected by the Zoning and Platting Commission.

§ 2-1-206 JOINT SUSTAINABILITY COMMITTEE.

- (A) The council creates the Joint Sustainability Committee of the Community Development Commission, Economic Prosperity Commission, Electric Utility Commission, Environmental Commission, Planning Commission, Water & Wastewater Commission, and Zero Waste Commission, to advise the council on matters related to conservation and sustainability.
- (B) Each of the boards enumerated in Subsection (A) shall select one of its members to serve on the committee.

PART 23. City Code Section 2-1-181(*Sign Review Board*) is repealed, and the section number is reserved for expansion. All references to the Sign Review Board in the City Code are changed to the Board of Adjustment.

PART 24. City Code Section 2-1-183 (*Urban Forestry Board*) is repealed and the section number is reserved for expansion. All references to the Urban Forestry Board in the City Code are changed to the Environmental Commission.

PART 25. City Code Section 2-1-187 (*Waterfront Planning Advisory Board*) is repealed and the section number is reserved for expansion. All references in the City Code to the Waterfront Planning Advisory Board are changed to the Small Area Planning Joint Committee of the Planning Commission and the Zoning and Platting Commission. All references to the former Waterfront Planning Advisory Board, now the Joint Small Area Planning Joint Committee of the Planning Commission and the Zoning and Platting Commission, using the term "board," including the definition in Section 25-2-712 (*Definitions*) are changed to "joint committee." Item (11) of Subsection (C) of City Code Section 2-7-72 (*Reports*) is deleted and the subsequent items are renumbered accordingly.

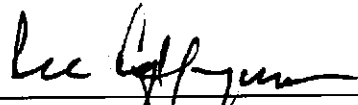
PART 26. Resolution No. 20110127-034, creating the Bond Oversight Committee expires when the Economic and Capital Budget Joint Committee is created.

PART 27. Parts 4 and 6 of this ordinance take effect on December 22, 2014. The other parts of this ordinance take effect on July 1, 2015.

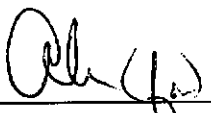
PASSED AND APPROVED

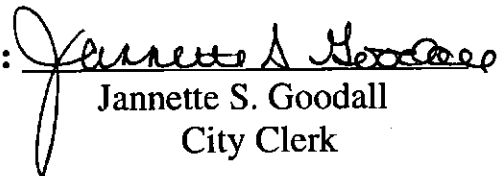
_____, December 11, 2014

§
§
§



Lee Leffingwell
Mayor

APPROVED: 
Karen M. Kennard
City Attorney

ATTEST: 
Jannette S. Goodall
City Clerk