

ORDINANCE NO.

AN ORDINANCE AMENDING CITY CODE CHAPTER 2-5 RELATING TO PROCEDURES FOR CITY COUNCIL MEETINGS, PUBLIC HEARINGS, APPEALS, AND COMMITTEES, AND CITY CODE CHAPTER 15-9 RELATING TO UTILITY RATE HEARINGS.

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

PART 1. The title of City Code Chapter 2-5 (*Council Action, Meeting Procedures, Public Hearings, and Appeals*) is amended to read as follows:

CHAPTER 2-5. COUNCIL ACTION, ~~[MEETING PROCEDURES, PUBLIC HEARINGS, AND]~~ APPEALS, TERMS, AND COMMITTEES.

PART 2. City Code Chapter 2-5 (*Council Action, Appeals, Terms, and Committees*) is amended to repeal Article 2 (*Procedures for City Council Meetings*). Article 2 is reserved for future use.

PART 3. City Code Chapter 2-5 (*Council Action, Appeals, Terms, and Committees*) is amended to amend the title of Article 3 (*Procedures for Public Hearings and Appeals*) to read as follows:

ARTICLE 3. PROCEDURES FOR ~~[PUBLIC HEARINGS AND]~~ APPEALS.

PART 4. City Code Chapter 2-5 (*Council Action, Appeals, Terms, and Committees*) is amended to repeal Division 1 (*Public Hearings*) of Article 3 (*Procedures for Appeals*). Division 1 is reserved for future use.

PART 5. City Code Section 2-5-65 (*Conduct of Public Hearing on an Appeal*) is repealed.

PART 6. City Code Chapter 2-5 (*Council Action, Appeals, Terms, and Committees*) is amended to add a new Section 2-5-109 to read as follows:

§ 2-5-109 PUBLIC HEARINGS.

(A) If a public hearing before the council is required by the Code, but is not required by the Charter or by state or federal law, a public hearing before a council committee satisfies the requirement.

- 1 (B) If council action is indicated by the hearing, the committee may not act in
2 council's stead, but may make a report or recommendation to the full council.
- 3 (C) Except as otherwise provided in this article, when a council committee holds
4 a public hearing to satisfy a requirement of the Code, the hearing shall, as
5 near as may be practicable, follow the procedure for a hearing held before the
6 council.
- 7 (D) This section prevails over any other provision of the Code to the extent of a
8 conflict.

9 **PART 7.** City Code Section 15-9-3 (*Fees and Charges*) is amended to add a new
10 Subsection (B) to read as follows, and to renumber existing Subsection (B) as Subsection
11 (C):

- 12 (B) The council shall conduct a public hearing before approving an ordinance
13 changing an electric, water, wastewater, or solid waste service rate. The
14 council shall hear evidence to determine the rate necessary to provide
15 adequate and efficient services and operations and to determine the fairness,
16 justness, and reasonableness of the rate.

17 **PART 8.** This ordinance takes effect on _____,
18 2017.

19
20 **PASSED AND APPROVED**

21
22 §
23 §
24 _____, 2017 § _____
25 Steve Adler
26 Mayor
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29 **APPROVED:** _____
30 Anne L. Morgan
31 City Attorney
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ATTEST: _____
Jannette S. Goodall
City Clerk