PROCEDURES FOR AUSTIN CITY COUNCIL MEETINGS, PUBLIC HEARINGS, AND APPEALS

ARTICLE 1. PROCEDURES FOR CITY COUNCIL MEETINGS.

Division 1. Regular Meetings.

§ 1-1-1 COUNCIL FINDINGS.

The Council finds that:

(1) Useful public debate at its meetings is served by the fair and impartial administration of rules of order.

(2) Democracy is best served by participation of people in their government.

(3) Austin's exercise of representative democracy is well-served by the timely and substantial participation of its citizens.

(4) Minor, incidental breaches of decorum may occur in the exercise of participatory democracy.

(5) The best government is that which is done in the open.

§ 1-1-2 PROCEDURAL DIRECTIVES.

(A) These Procedures are directory only, and a violation of any of the provisions of this article does not affect the validity or legality of any Council action otherwise properly adopted.

(B) The Council may waive any of the requirements of these Procedures for a particular agenda item by voice vote without the need to amend the Procedures.

(C) The city clerk shall make copies of these Procedures available to the public.

§ 1-1-3 RULES OF ORDER.

(A) Except in the case of a conflict with these Procedures, the City Code ("Code"), the City Charter, or state law, Council meetings should be conducted under Robert's Rules of Order.

(B) Each person and Council Member attending a Council meeting should observe decorum. A person or Council Member should not speak out of turn, use disparaging or abusive language, or make threats of violence against any other person during a Council meeting.

(C) The presiding officer:

(1) should maintain order;

(2) should exercise the officer's authority impartially; and

(3) may shorten a person's speaking time or ban a person from speaking for the duration of a meeting only for a violation of decorum set out in this section.

(D) The presiding officer should rule out of order any Council Member breaching decorum. A Council Member ruled out of order may call for a vote of the Council to sustain or overrule the presiding officer.

§ 1-1-4 THURSDAY COUNCIL MEETING.

(A) The Council shall meet each Thursday to consider action on city business.

(B) A time certain prescribed in this section means that the agenda item or hearing may not be considered or heard before the time indicated, but may be considered or heard at a later time.

(C) If possible, the presiding officer should call the Council meeting to order at the time posted. The Council may meet in executive session after the meeting is convened.

(D) The Council should conduct the following business at specified times certain:

(1) a board meeting, including Austin Housing Finance Corporation;

(2) a bond sale;

(3) a briefing;

(4) citizens' communication;

(5) the consent agenda;

(6) live music;

(7) a proclamation; and

(8) a public hearing.

(E) Except as otherwise provided in this section, a Council Member may request that an agenda item or hearing be set at a time certain if the Council Member receives the approval of one additional Council Member. A Council Member may, without the approval of another Council Member, request that a zoning item scheduled during the established time for zoning hearings be postponed until the later time during the Council meeting.

(F) The presiding officer should adjourn a Council meeting at 10:00 p.m., unless there is a majority vote of the Council to continue the meeting. However, if Council is considering a matter at 10:00 p.m., the Council may proceed with consideration of the matter without first voting to continue the meeting. When possible, if Council expects not to call any new item after 10:00 p.m., reasonable notice should be given to present speakers. The presiding officer may recess a Council meeting that continues past 12:00 midnight and may reconvene the meeting at a time certain during the same day.

(G) Not more than two briefings may be placed on a Council meeting agenda.

§ 1-1-5 CONSENT AGENDA.

(A) The Council may adopt items by consent of the Council without a separate vote on each item as the consent agenda.

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

(1) subject to a public hearing;

(2) posted on the agenda for consideration at a specific time;

(3) that a Council Member requests be pulled from the agenda for discussion;

(4) on which two or more people have registered to testify if the persons have registered to testify 15 minutes prior to the scheduled start time of the Council meeting; or

(5) that has been considered by a standing committee of the Council.

(C) A person not wishing to speak but donating time is considered as registered to testify in determining if an item should be removed from the consent agenda.

(D) If an individual is the only person registered to testify on an item on the consent agenda that has not been otherwise pulled for discussion, the item will remain part of the consent agenda. The person registered to testify will be allowed to speak one time, for up to three minutes on the consent agenda as a whole, regardless of the number of items for which the person has signed up to speak.

(E) A person, other than a Council Member, may not participate in removing more than three items from the consent agenda for a single Council meeting.

(1) This limitation applies only to items that are removed from the consent agenda solely on the basis of the number of persons who have registered to testify or donated time, as described in Subsections (B)(4) and (C) of this section.

(2) The first three numerically-listed items for which a person has registered to testify or donated time shall be considered for purposes of this limitation.

(3) A person who is registered to speak must be present in the Council chambers when the item is pulled off the consent agenda.

(F) The number of items pulled from consent on which a person may speak is not limited.

(G) If one or more people have registered to speak on an item that could otherwise be approved by consent of the Council, the presiding officer should ask if reading the registration card into the record and approving the item on consent is an acceptable alternative to a presentation by the registered speakers.

§ 1-1-6 AGENDA FOR COUNCIL MEETINGS.

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

(1) group agenda items by Council committee, or if an item has not been considered by a Council committee, by department or by topic;

(2) mark each action item, identifying an item that is an ordinance or a resolution;

(3) list items from the Council in a separate section of the agenda, unless the item has been reviewed by a Council committee;

(4) include the final committee report in the back-up information for each agenda item that was reviewed by a Council committee; and

(5) include a notice for an item that was reviewed by a Council committee stating that the item was reviewed by a Council committee.

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

(1) the item has been considered by the appropriate advisory board, if any;

(2) the item has been reviewed by a Council committee with an accompanying recommendation that the item be placed on a future Council agenda;

(3) the item is sponsored by four Council Members; or

(4) the item is an administrative matter, or the city manager determines that the back-up material accompanying the item is sufficient to provide the Council with a full explanation of the item.

(C) The city manager shall provide electronic mail notification of the electronic posting of the agenda to any citizen who requests notification by the established electronic notification system.

(D) Four Council Members may place an item directly on the Council agenda:

(1) The Council Members should submit items for inclusion on an agenda not later than the second business day before the Council agenda is posted.

(2) If an item is submitted later than the time prescribed by this section, a sponsor of the item shall certify that the item is time sensitive because it is immediately critical to the interests of the City. The certification shall be on a form provided by the city manager.

(3) An item submitted for inclusion on the agenda should include posting language and a resolution, ordinance, agreement, City board report, written and oral public testimony, and other supplemental information.

(E) A Council Member may place an item on a work session agenda for the purposes of:

(1) discussion and identifying three other Council Members who wish to place the item directly on a Council agenda; or

(2) discussion and identifying three other Council Members who wish to open the item for public comment at a Council meeting.

(F) The city manager shall publish the final agenda 13 days prior to the meeting.

§ 1-1-7 CITIZEN PARTICIPATION.

(A) The right of a person to speak to the Council, as regulated by these Procedures, the Code, the City Charter, and state or federal law, may not be abridged.

(B) Except as provided in Section 1-1-9 (*Speaker Registration and Speaking Time*), the

presiding officer should not refuse permission to speak to a person who has registered to speak, and who is present and ready to speak, unless the hearing or consideration of the item for which the person has registered to speak has been continued to a later meeting.

(C) If a hearing or item for which a person has registered is continued, a person who has registered but has not spoken must re-register as a speaker at the subsequent meeting during which the hearing or item is considered by the Council.

(D) A person who intends to speak at a Council meeting:

(1) under Section 1-1-8 (*General Citizen Communication*) may register by telephone, E-mail or in person; and

(2) under Section 1-1-9 (*Speaker Registration and Speaking Time*) must register in person.

(E) If a formal public hearing has been held and closed on the subject matter of an agenda item, a person may not register to speak on the item at a subsequent Council meeting. The presiding officer should not entertain additional public comment during subsequent Council consideration of the subject matter of a closed public hearing.

§ 1-1-8 GENERAL CITIZEN COMMUNICATION.

(A) At a Thursday Council meeting, a maximum of 10 people may address the Council during the general citizen communication portion of the meeting.

(B) A person who intends to speak during general citizen communication must register between 9:00 a.m. on the 21st day before the Council meeting at which the person intends to speak and 4:30 p.m. on the 14th day before the Council meeting at which the person intends to speak.

(C) The city clerk should not accept more than 10 registrations under this section for general citizen communications at a Council meeting. The city clerk may not register a person to speak at general citizen communication more frequently than once out of every three regularly scheduled Council meetings.

(D) A person may not speak at general citizen communication more often than once out of every three regularly scheduled Council meetings.

§ 1-1-9 SPEAKER REGISTRATION AND SPEAKING TIME.

(A) For an item that has been considered by a Council committee, public comment shall be taken in the same manner as for an item that has not been considered by a Council committee.

(B) A person who intends to testify at a Council meeting on an agenda item or at a public hearing shall register on the electronic signup system.

(1) The person may register at any time after 12:00 noon on the Monday preceding a Council meeting, when the city clerk opens the agenda for the meeting and before the last person who has registered to testify on the item has begun to testify.

(2) To speak on an item on the consent agenda, a person may register at any time after 12:00 noon on the Monday preceding a Council meeting, when the city clerk opens the

agenda for the meeting, and before the last person who has registered to testify on the consent agenda has begun to testify.

(C) Except as provided in Section 1-1-5 (*Consent Agenda*), a person is not limited in the number of items on which the person may register to testify.

(D) Except as provided in Subsection (I), the presiding officer should grant the first 20 speakers on an agenda item three minutes each, and each subsequent speaker on the agenda item one minute, to address the Council, unless:

(1) the Council rules otherwise;

(2) the presiding officer exercises the officer's authority under Section 1-1-3 (*Rules of Order*) to limit or reduce the speaker's time.

(E) A person may donate the person's speaking time on an agenda item or at a public hearing to another speaker if the person donating the time is present when the speaker begins to address the Council.

(1) A person receiving a donation of time from one of the first 20 registered speakers on an item may speak an additional two minutes for each donation of time received.

(2) A person receiving a donation of time from a speaker registered after the 20th speaker on an item may speak one additional minute for each donation of time received.

(F) A speaker may not use the time of more than two other registered speakers on an agenda item or at a public hearing.

(G) Except as required by state law, the Council may limit the number of speakers or the length of testimony at the Council's discretion. If the Council limits testimony under this subsection, the electronic registration of each non-speaking person shall be made part of the public hearing record.

(H) A person may not register to speak on an item posted as a briefing.

(I) The total time for public comment on an agenda item may not exceed 90 minutes unless the Council votes to extend the time for comment on the item. This subsection does not apply to:

(1) a public hearing subject to Article 2 of these Procedures (*Procedures for Public Hearings and Appeals*);

(2) a public hearing subject to Chapter 25-1, Article 6, Division 2 (*Public Hearing Procedures*) of the Code; or

(3) a public hearing required by state or federal law.

§ 1-1-10 RECUSAL.

A Council Member who is required to recuse from a vote or decision due to a substantial interest under Sections 2-7-63 (*Prohibition on Conflict of Interest*), 2-7-64 (*Disclosure of Conflict of Interest*), or 2-7-65 (*Substantial Interest of Relative*) of the Code, or under Chapter 171 (*Regulation of Conflicts of Interest of Officers of Municipalities, Counties, and certain Other Local Governments*) of the Texas Local Government Code shall comply with the applicable procedural requirements.

Division 2. Work Session Meetings.

§ 1-2-1 MEETINGS.

(A) A work session shall be held each Tuesday of a week that a regular Thursday Council meeting is scheduled and shall begin at 9:00 a.m.

(B) Meetings should be held in the City Hall Boards and Commissions Room if possible.

§ 1-2-2 WORK SESSION AGENDA.

(A) The order of the work session agenda shall be as follows:

(1) Agenda Review.

(a) Preselected agenda item.

(i) A preselected agenda item is an item from the Thursday agenda that a Council Member has selected for discussion and for which staff input is requested. Staff members will be present for the discussion.

(ii) Council may discuss an item from the Thursday agenda that is not pre-selected. However, because the item is not preselected, staff may be unavailable for the discussion.

(b) Council discussion item. A Council discussion item is an item from the Thursday agenda that a Council Member identifies as an item solely for discussion among Council Members.

(2) Council item of interest.

(a) A Council item of interest is an item that is not on the Thursday Council agenda. This category may include an item that the Council wants to place on a future work session agenda.

(b) A Council item of interest may be placed on the agenda by the Mayor or a Council Member.

(3) Briefings.

(B) Council Members should submit preselected agenda items to the Agenda Office by 4:00 p.m. on the Monday before the work session.

(C) The work session agenda shall include all items from the Thursday agenda and shall include a statement that Council may discuss any item from the Thursday agenda, including items that have not been preselected, as discussed in Subsection (A) of this section.

§ 1-2-3 BRIEFINGS.

(A) The purpose of a work session briefing is to update the Council.

(B) The Mayor or a Council Member may request that a person or entity having information relevant to Council provide a briefing to Council.

(C) A briefing that is normally placed on a Thursday agenda may not be placed on a work session agenda.

§ 1-2-4 COUNCIL ACTION.

(A) The Council may not vote on a work session agenda item that is on the Thursday agenda.

(B) The Council may vote on a work session agenda item that is not on the Thursday agenda.

§ 1-2-5 CITIZEN PARTICIPATION.

(A) Except as otherwise provided in this section, citizen participation is not permitted at a work session meeting.

(B) Citizen participation is permitted on any item on which Council will vote under Section 1-2-4 (*Council Action*).

(C) Council may vote to allow citizen participation during a work session or for any work session item.

ARTICLE 2. PROCEDURES FOR PUBLIC HEARINGS AND APPEALS.

Division 1. Public Hearings.

§ 2-1-1 GENERAL PROVISIONS.

(A) Except as otherwise provided in the Code and in these Procedures, including Subsection (B) of this section and Chapter 2-5 (*Council Action, Appeals, Terms, and Committees*) of the Code, this division applies to a public hearing authorized under the Code. A provision regarding a public hearing procedure in the Code prevails over this article to the extent of any conflict.

(B) A public hearing authorized under Title 25 (*Land Development*) of the Code shall be held as prescribed by Chapter 25-1, Article 6, Division 2 (*Public Hearing Procedure*) of the Code.

(C) A public hearing should be conducted as prescribed by the Code, this article, and state and federal law.

(D) The city manager should set the date of a public hearing before the Council by publication in the agenda. The Council may change a hearing date.

(E) Except as provided in Section 1-1-9 (*Speaker Registration and Speaking Time*), a public hearing should not be closed if there is a person present who has registered to testify but has not had an opportunity to address the Council.

§ 2-1-2 CONDUCT OF PUBLIC HEARINGS.

(A) A person shall register to speak at a public hearing as prescribed by Section 1-1-9 (*Speaker Registration and Speaking Time*).

(B) Except as otherwise provided in the Code, a person who registers before the public hearing is closed may speak at the time provided in Subsection (C).

(C) Except as provided in Division 2 (*Appeals*), a public hearing shall proceed as follows:

(1) presentation of a report by City staff;

(2) presentation by the applicant, for a hearing on an application, limited to five minutes;

(3) presentation by interested parties supporting the application or proposal subject to the time limitations prescribed in Section 1-1-9 (*Speaker Registration and Speaking Time*);

(4) presentation by interested parties opposing the application or proposal subject to the time limitations prescribed in Section 1-1-9 (*Speaker Registration and Speaking Time*); and

(5) rebuttal by the applicant, for a hearing on an application, limited to three minutes.

(D) A Council Member may ask questions of a person at any time during the hearing.

(E) The presiding officer may limit a speaker's time to address the body, as prescribed by Section 1-1-3 (*Rules of Order*). The presiding officer may request that a speaker eliminate repetitious or irrelevant testimony.

§ 2-1-3 POSTPONEMENT AND CONTINUATION OF PUBLIC HEARINGS.

(A) The Council may:

(1) postpone a public hearing by announcing the postponement on the date and at the time and location stated in the notice for the scheduled hearing; and

(2) continue a public hearing to a later date by announcing the continuance after the hearing begins.

(B) If the Council postpones or continues a hearing to a specific date and time not later than 60 days after the date on which the postponement or continuance is announced, the announcement is adequate notice of the next hearing and additional notice is not required.

(C) If the Council does not specify a hearing date and time at the time that a postponement or continuance is announced, notice of the next hearing shall be provided in the manner required for the original hearing.

§ 2-1-4 RECORD OF PUBLIC HEARING.

(A) The Council shall record each public hearing on audio tape or video tape.

(B) The official record of a public hearing includes:

(1) the audio tape or video tape recording of the public hearing;

(2) the transcript of the public hearing;

(3) written staff reports, excluding legal advice and information presented in executive session; and

(4) documentary evidence submitted during a public hearing.

(C) A person may review the official record of a public hearing.

(D) The city clerk may establish rules regarding the time and location for review of the record.

Division 2. Appeals.

§ 2-2-1 CONDUCT OF PUBLIC HEARING ON AN APPEAL.

(A) Before opening a hearing on an appeal, the Council shall decide preliminary issues raised by the parties, including whether the appellant has standing to appeal and whether to postpone or continue the hearing.

(B) A public hearing on an appeal shall proceed in the following order:

(1) a report from City staff;

(2) a presentation by the appellant, limited to five minutes;

(3) comment by persons supporting the appeal subject to the time limitations prescribed in Section 1-1-9 (*Speaker Registration and Speaking Time*);

(4) comment by persons opposing the appeal subject to the time limitations prescribed in Section 1-1-9 (*Speaker Registration and Speaking Time*); and

(5) a rebuttal by the appellant, limited to three minutes.

(C) Notwithstanding Section 2-1-2(B) (*Conduct of Public Hearings*), for a public hearing on an appeal, a person desiring to speak during the hearing must be registered to speak before the item is called for consideration by Council.