

ORDINANCE NO. 20180830-066

**AN ORDINANCE AMENDING CITY CODE CHAPTER 2-1 RELATING TO
THE COMMUNITY DEVELOPMENT COMMISSION AND CITY CODE
CHAPTER 2-7 REGARDING FINANCIAL DISCLOSURE REQUIREMENTS.**

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

PART 1. Findings

- (A) Chapter 106 of Title 42 of the United States Code Annotated authorizes the Secretary of the U.S. Department of Health and Human Services to establish a Community Services Block Grant (CSBG) program to issue grants to states to ameliorate the causes of poverty in their communities, and delineates requirements related to the administration of CSBG funds.
- (B) The Texas Department of Housing and Community Affairs (TDHCA) serves as a conduit for CSBG funds and ensures program compliance with state and federal laws.
- (C) TDHCA requires certain membership requirements for an advisory board that fully participates in the development, planning, implementation and evaluation of programs that serve low-income communities.
- (D) City Council finds that amendments to Chapter 2-1 of the City Code relating to the Community Development Commission are necessary to ensure consistency with state and federal law regulations related to the CSBG.

PART 2. Section 2-1-128 (*Community Development Commission*) of the City Code is amended to read as follows:

§ 2-1-128 COMMUNITY DEVELOPMENT COMMISSION

- (A) The Community Development Commission is composed of 15 members [~~appointed by the council,~~] to meet the tripartite board requirement in the Community Services Block Grant Act, as follows:
 - (1) eight members [~~nominated~~] selected by residents from each of the geographic areas designated in Subsection (C) through a democratic

procedure to represent the low-income populations served under the Community Services Block Grant Act; and

(2) seven members nominated by a council committee or council committees and appointed by the council [the mayor].

- (B) Of the seven commission members appointed under Subsection (A)(2), five shall be elected public officials or their representatives and two must be members chosen to represent major groups and interests in the community served including, but not limited to, business, industry, labor, religious, law enforcement, ~~[and]~~ or education stakeholders.
- (C) The council shall designate from time to time eight geographic areas of ~~[Austin] Travis County [having either a Health and Human Services Department neighborhood center or a Parks and Recreation Department recreation center,]~~ and shall designate a seat on the commission to represent that area.
- (D) The council may from time to time by resolution change the boundaries of a designated geographic area in Subsection (C) and the name of the designated area.
- (E) The council shall designate an organization that actively represents the residents of each respective geographic area designated in Subsection (C) to nominate a person to serve on the commission in the seat designated to represent that area.
- (F) The council may from time to time by resolution change the organization designated in Subsection (E).
- (G) The commission shall advise the council in the development and implementation of programs designed to serve the poor and the community at large with an emphasis on federally funded programs.
- (H) In addition to the advisory role the commission serves under Subsection (G), the commission serves as the advisory board required by ~~[the Community Services Block Grant Act, as codified in]~~ 42 U.S.C.A. §9910.
- (I) Notwithstanding Section 2-1-21 (Eligibility Requirements and Removal) of the City Code, at any time, by an affirmative vote of eight of its fifteen members, the Community Development Commission may remove any of the eight democratically selected members; and may recommend to council the removal of any of the seven members appointed by council.

PART 3. Subsection (C) of Section 2-7-72 (*Reports*) of the City Code is amended to read as follows:

§2-7-72 **REPORTS**

(C) The members of the following boards and commissions shall report the information required by Subsection (E):

- (1) Arts Commission;
- (2) Board of Adjustment;
- (3) Environmental [~~Board~~] Commission;
- (4) Historic Landmark Commission;
- (5) Housing Authority of the City of Austin;
- (6) Parks and Recreation Board;
- (7) Planning Commission;
- (8) Public Safety Commission;
- (9) Zero Waste Advisory Commission;
- (10) Water and Wastewater Commission;
- (11) Urban Renewal Agency; [~~and~~]
- (12) Zoning and Platting Commission[-]; and
- (13) Community Development Commission.

PART 4. Each member of the Community Development Commission shall serve a maximum of two consecutive four-year terms in accordance with subsections (B) and (C) of Section 2-1-22 (*Membership Term and Limitation*) of the City Code. To stagger the terms, the seven appointed members of the Community Development Commission who are nominated by a council committee or council committees and appointed by council, shall serve a maximum of two consecutive four-year terms in accordance with subsections (B) and (C) of Section 2-1-22 (*Membership Term and Limitation*) of the City Code. The eight democratically selected members shall serve an initial two-year term with an additional maximum of two consecutive four-year terms in accordance with subsections (B) and (C) of Section 2-1-22 (*Membership Term and Limitation*) of the City Code. After these initial terms have expired, the subsequent terms of each member of the Community Development Commission shall not exceed the maximum of two consecutive

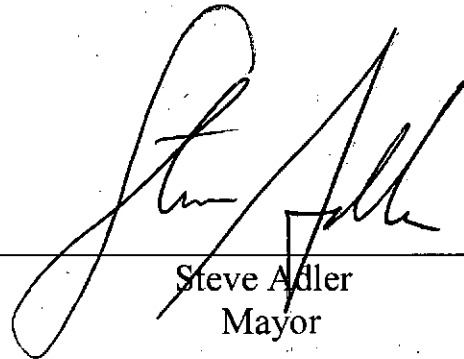
four-year terms in accordance with subsections (B) and (C) of City Code Section 2-1-22 (*Membership Term and Limitation*).

PART 5. This ordinance takes effect on September 10, 2018.

PASSED AND APPROVED


August 30, 2018

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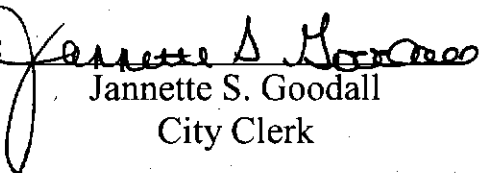
Steve Adler
Mayor

APPROVED:



Anne L. Morgan
City Attorney

ATTEST:



Jannette S. Goodall
City Clerk

BYLAWS OF THE COMMUNITY DEVELOPMENT COMMISSION

ARTICLE 1. NAME.

The name of the board is Community Development Commission.

ARTICLE 2. PURPOSE AND DUTIES.

The purpose of the board is to advise the council in the development and implementation of programs designed to serve the poor and the community at large with an emphasis on federally funded programs. In addition, the Community Development Commission serves as the tripartite board required by Section 676B of the Community Services Block Grant Act (42 U.S.C. §9910) and further amplified in the Texas Administrative Code (Title 10, Part 1, Chapter 6, Subchapter B).

ARTICLE 3. MEMBERSHIP.

- (A) The board is composed of fifteen members appointed by the city council to meet the tripartite board requirement specified in [§] Section 676B(a)(2) of the Community Services Block Grant as follows:
1. Eight [A] members [nominated by residents] shall be democratically selected by organizations representing residents from each of the eight geographic areas of Travis County [having either a Health and Human Services Department neighborhood center or a Parks and Recreation Department recreation center] to represent [the poor] low-income populations eligible to be served under the Community Services Block Grant in each area;
 2. [Eight] Seven members [nominated by the Mayor] shall be nominated by a council committee or council committees and appointed by the city council. Of the seven board members nominated by a council committee or council committees and appointed by the city council, five shall be elected public officials or their representatives and two must be members chosen to represent major groups and interests in the community served including, but not limited to, business, industry labor, religious, law enforcement or education stakeholders.
- (B) [A member serves at the pleasure of city council.]
A list of the organizations authorized to democratically select members of the board shall be kept current, including organization members and their most recent contact information. Board members shall be furnished a current organization and membership list upon request and also upon the completion of every triennial Community Services Block Grant needs assessment.
- (C) Board members serve for a term of four years beginning March 1st on the year of appointment. To stagger the terms, after assuming office in 2019, the seven appointed members nominated by a council committee or council committees and appointed by council shall serve a maximum of two consecutive four-year terms in accordance with Section 2-1-22(B) and (C) of the City Code. The eight democratically selected members shall serve an initial two-year term with an additional

maximum of two consecutive four-year terms in accordance with Section 2-1-22(B) and (C) of the City Code. After these initial terms have expired, the subsequent terms of each member shall not exceed the maximum of two consecutive four-year terms in accordance with Section 2-1-122(B) and (C) of the City Code.

- (D) An individual board member may not act in an official capacity except through the action of the board.
- (E) A board member who is absent for three consecutive regular meetings or one-third of all regular meetings in a "rolling" twelve month timeframe automatically vacates the member's position subject to the holdover provisions in Section 2-1-27 of the City Code. This does not apply to an absence due to illness or injury of the board member, an illness or injury of a board member's immediate family member, active military service, or the birth or adoption of the board member's child for 90 days after the event. The board member must notify the staff liaison of the reason for the absence not later than the date of the next regular meeting of the board. Failure to notify the liaison before the next regular meeting of the board will result in an unexcused absence.
- (F) At each meeting, each board member shall sign an attendance sheet which indicates that the member does not have a conflict of interest with any item on that agenda, or identifies each agenda item on which the member has a conflict of interest. Failure to sign the sheet results in the member being counted as absent and his/her votes are not counted.
- (G) A member who seeks to resign from the board shall submit a written resignation to the chair of the board, the staff liaison, or the city clerk's office. If possible, the resignation should allow for a thirty day notice so the city council or responsible organization can appoint a replacement.
- (H) Notwithstanding Section 2-1-21 of the City Code, at any time by an affirmative vote of eight of its fifteen members, the Community Development Commission may remove any of the eight democratically selected members and may recommend to council the removal of any of the seven members appointed by council. The board may vote to remove or recommend removal of a board member for cause, including but not limited to the following reasons: (1) failure to perform the member's responsibilities; (2) conduct or behavior that the board deems to interfere with the business of the board; or (3) conduct or behavior that the board deems to negatively impact the community's confidence in the Community Development Commission. A board member's vote for or against an item on the board's agenda is not relevant to a removal decision.

The board must provide a democratically selected board member who is subject to removal with an opportunity to be heard. If the board member is present at the meeting in which the member's removal is on the agenda, the member must be provided a minimum of five minutes to state the reasons for which the member should not be removed. If the board member is not present at the meeting, the member may within 10 business days of the removal decision submit to the board chair or to the board liaison a written request to reconsider the removal decision. A request for reconsideration properly submitted by a former democratically selected member must be included as an agenda item for the next regular meeting of the board, and the former member must be allowed a minimum of five minutes to state the reasons for the former member's request for reconsideration of the removal.

The City Clerk shall retain audio or video recordings and minutes of the board's discussions and votes in regard to removal decisions of a board member for a minimum of three years, or for additional time if required by local policy or state law.

- (I) Members of the Community Development Commission shall be trained in their responsibilities. The staff liaison shall arrange for annual training of commission members to be conducted by state and/or federal authorities and/or their sub-agents. The training shall be in compliance with guidance issued in Information Memorandum #82 (also known as IM #82) by the Community Development Block Grant division of the federal Department of Health and Human Services and shall also include comprehensive training about the Community Development Block Grant program.

ARTICLE 4. OFFICERS.

- (A) The officers of the board shall consist of a chair and a vice-chair.
- (B) Officers shall be elected annually by a majority vote of the board at the first regular meeting after April 1st. In the event a current officer becomes ineligible to serve as an officer, the board may hold an emergency election as needed.
- (C) The term of office shall be one year, beginning May 1st and ending April 30th. An officer may continue to serve until a successor is elected. A person may not serve as an officer in a designated position of a board for more than four consecutive one-year terms. A person who has served as an officer in a designated position of a board for four 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. The board may override the term limit provision for an officer by an affirmative vote of two-thirds of the authorized board members.
- (D) A member may not hold more than one office at a time.

ARTICLE 5. DUTIES OF OFFICERS.

- (A) The chair shall preside at board meetings, appoint all committees, represent the board at ceremonial functions and approve each final meeting agenda.
- (B) In the absence of the chair, the vice-chair shall perform all duties of the chair.

ARTICLE 6. AGENDAS.

- (A) Two or more board members may place an item on the agenda by oral or written request to the staff liaison at least five days before the meeting. After first consulting with and receiving input from the staff liaison, the chair shall approve each final meeting agenda.
- (B) The board liaison shall submit the meeting agenda through the online agenda posting system for each meeting not less than 72 hours before the meeting.

- (C) Posting of the agenda must comply with Texas Government Code Chapter 551 (Texas Open Meetings Act).

ARTICLE 7. MEETINGS.

- (A) The board meetings shall comply with Texas Government Code Chapter 551 (Texas Open Meetings Act).
- (B) Board meetings shall be governed by Robert's Rules of Order.
- (C) The board may not conduct a closed meeting without the approval of the city attorney.
- (D) The board shall meet monthly. In November of each year, the board shall adopt a schedule of the meetings for the upcoming year, including makeup meeting dates for the holidays and cancelled meetings.
- (E) The chair may call a special meeting, and the chair shall call a special meeting if requested by three or more members. The call shall state the purpose of the meeting. A board may not call a meeting in addition to its regular scheduled meetings as identified in its adopted meeting schedule, more often than once a quarter, unless the meeting is required to comply with a statutory deadline or a deadline established by Council.
- (F) Eight members constitute a quorum.
- (G) If a quorum for a meeting does not convene within one-half hour of the posted time for the meeting, then the meeting may not be held.
- (H) If only a quorum is present at a meeting, a board action is adopted by an affirmative vote of two-thirds of the quorum (15 member board = 6 votes). If more than a quorum is present at a meeting, a board action must be adopted by an affirmative vote of the number of members necessary to provide a quorum (15 member board = 8 votes).
- (I) The chair has the same voting privilege as any other member.
- (J) The board shall allow citizens to address the board on agenda items and during a period of time set aside for citizen communications. The chair may limit a speaker to three minutes.
- (K) ~~The staff liaison shall prepare the board minutes. The minutes of each board meeting must include the vote of each member on each item before the board and indicate whether a member is absent or failed to vote on an item.]~~ Each meeting shall be audio or video recorded, with the recording made available on the City of Austin's website within seven days of the meeting. The staff liaison shall prepare the board minutes and shall be responsible for uploading to the City of Austin website: the video or audio recording of the meeting within seven days of the meeting and the minutes within seven days of board approval. The records of the board meeting are public records under Texas Local Government Code 552 (Texas Public Information Act).

- (L) The city clerk shall retain agendas, approved minutes, internal review reports and bylaws. The Neighborhood Housing and Community Development Department shall retain all other board documents. The documents are public records under Texas Local Government Code Chapter 552 (Texas Public Information Act).
- (M) The chair shall adjourn a meeting not later than 10 p.m., unless the board votes to continue the meeting.
- (N) Each person and board member attending a board meeting should observe decorum pursuant to Section 2-1-48 of the City Code.
- (O) A member of the public may not address a board at a meeting on an item posted as a briefing.

ARTICLE 8. COMMITTEES/WORKING GROUPS.

COMMITTEES

- (A) The Community Development Commission shall have the following committee:

Housing Committee – The committee shall explore in depth policy issues related to affordable housing, community development and other issues as assigned to the committee.

- (B) Each committee must be established by an affirmative vote of the board. A committee cannot meet until its creation is approved by the Council Audit and Finance Committee. Each committee shall consist of at least three board members appointed by the chair. A staff member shall be assigned to each committee by the director of the Neighborhood Housing and Community Development Department.
- (C) The board chair shall appoint a board member as the committee chair, with the member's consent.
- (D) A majority of the total number of appointed committee members constitutes a quorum.
- (E) Each committee shall meet on a regularly scheduled basis at least quarterly.
- (F) Each committee shall make an annual report to the board at the January board meeting.
- (G) Committee meetings must be posted in accordance with Texas Government Code Chapter 551 (Texas Open Meetings Act).
- (H) At each committee meeting, a committee member shall sign in on a sheet provided and shall indicate that the member has no conflict of interest with any item on the committee meeting agenda, or identify each agenda item on which the member has a conflict of interest.

WORKING GROUPS

- (A) The board can determine the size of a working group but the number of board members serving on the working group must be less than a quorum of the board.
- (B) A working group may designate a chair, with the member's consent, but is not required to do so.
- (C) Quorum requirements do not apply to working groups.
- (D) Staff support will not be provided for working groups.
- (E) Working groups are not required to post their meetings in accordance with the Texas Government Code Chapter 551 (Texas Open Meetings Act).

ARTICLE 9. PARLIAMENTARY AUTHORITY.

The rules contained in the current edition of Robert's Rules of Order shall govern the board in all cases to which they are applicable, except when inconsistent with these bylaws or with special rules of procedure which the board or city council may adopt.

ARTICLE 10. AMENDMENT OF BYLAWS.

A bylaw amendment is not effective unless approved by the Council Audit and Finance Committee.

The bylaws were approved by the Community Development Commission at their meeting held on [February 11, 2016]_____.

Rosie Truelove, Director, Neighborhood Housing & Community Development