

ORDINANCE NO.

AN ORDINANCE AMENDING CHAPTER 2-1 OF THE CITY CODE RELATING TO CITY BOARDS AND COMMISSIONS; AMENDING CHAPTER 4-8 OF THE CITY CODE RELATING TO THE REGULATION OF LOBBYISTS; REPEALING SUBSECTION 14-2-19(C) OF THE CITY CODE RELATING TO THE DUTIES OF THE RENAISSANCE MARKET COMMISSION; AND DISSOLVING THE RENAISSANCE MARKET COMMISSION.

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

PART 1. Section 2-1-2 (*Definitions*) of the City Code is amended to read:

(A) BOARD means a permanent advisory or decision-making body described in Article 2 (*Boards*) and includes a commission, committee, council, or agency.

(B) BOARD MEMBER includes an alternate member.

(C) COMMITTEE means a body of board members established by an affirmative vote of the board, consisting of at least three board members, to which the board has delegated a defined matter, or matters.

(D) JOINT COMMITTEE means a body established by council and comprised of members of two or more boards approved by an affirmative vote of each board, to which council has delegated a defined matter, or matters.

(E) TASK FORCE means a non-codified temporary advisory body established by resolution or ordinance for a specific purpose that expires upon the completion of its assigned task or according to a specified deadline.

(F) WORKING GROUP means a body established by a vote of the board, consisting of less than a quorum of the board, to which the board delegates a defined matter, or matters, for consideration and recommendation to the board. A working group is automatically dissolved after it reports its recommendations to the board. A board may appoint a non-member or non-members to serve on a working group.

PART 2. Subsections 2-1-3(B), (C), and (D) (*Boards Established*) of the City Code are amended to read:

(B) A board established by the city council that is to be in existence for more than three years should be included in this chapter~~[-]~~, unless other law conflicts with provisions of this chapter.

(C) The city clerk shall maintain a list of all boards, task forces, and other ~~[city-related]~~ bodies established by council that are not included in this chapter and to which the council or mayor appoints one or more members.

(D) To the extent not otherwise required by Texas Government Code, Chapter 551 or other state or federal law or rule, all temporary and permanent boards, commissions, and task forces not included in this chapter and that are established solely by council shall comply with Chapter 551 (*Open Meetings Act*). This subsection does not apply to working groups.

PART 3. Section 2-1-7 (*Staff Support*) is amended to read:

(A) The city manager shall designate a City department to provide staff support for each board and each committee of a board and each joint committee, including [a] an executive to serve as executive board liaison and a staff member to serve as board liaison ~~[for]~~ between the department and the board.

(B) The city clerk serves as liaison between boards, citizens, council, and department liaisons ~~[shall assist each board and task force in complying with Government Code Chapter 551 (*Open Meetings Act*), including the posting of meeting notices].~~

PART 4. Section 2-1-8 (*Council Audit and Finance Committee*) of the City Code is amended and renumbered accordingly to read:

(A) The Council Audit and Finance Committee shall:

~~[(1)]—annually designate the boards that are required to conduct a review and prepare a review report and work plan in accordance with Section 2-1-46 (*Annual Review, Review Report, And Work Plan*);]~~

~~[(2)]~~ (1) review each ~~[designated]~~ board's internal review report ~~[and work plan]~~ that is required by Section 2-1-46 (*Annual Internal Review and Review Report*);

~~[(3)]~~ (2) make recommendations to the council on the continued need for and role of each board;

~~[(4)]~~ (3) review and approve or disapprove a board's requested amendment to the City's standard board bylaws;

~~[(5)]~~ (4) receive notice of a board's failure to convene for a period of six months and make a recommendation to council on the continued existence or dissolution of the board; ~~[and]~~

~~[(6)]~~ (5) make recommendations to council on other issues related to City-related boards~~[-]~~; and

(6) direct the city auditor to annually assess the risks related to boards utilizing available information about board actions and recommend boards for performance audits.

(B) The committee may review a board audited by the city auditor.

~~[(1)]—The committee's review shall include:~~

~~(a)—a written or oral presentation by the chair of the board—related to:~~

~~(i)—the mission, goals, and objectives of the board;~~

~~(ii)—the board's performance during the review period; and~~

~~(iii) the findings by the city auditor; and~~

~~(b) written or oral public comment on a board's operation and performance during the review period.]~~

~~[(2) The committee shall make a recommendation to council on whether to continue, modify, or dissolve the board.]~~

PART 5. Subsection (G) of Section 2-1-21 (*Eligibility Requirements and Removal*) of the City Code is modified to read:

(G) To maintain eligibility, a board member must:

- (1) complete the ~~[initial and annual refresher]~~ board ~~[courses]~~ training required by Section 2-1-23 (*Training*);
- (2) comply with Section 2-7-72 (*Public Financial Statements*), if applicable;
- (3) comply with the attendance requirements of Section 2-1-26 (*Attendance Requirements And Automatic Vacation*); and
- (4) comply with the residency requirements of Subsection 2-1-21(B).

PART 6. Subsection (B) of Section 2-1-23 (*Training*) is amended and Subsection (C) is deleted to read as follows:

(B) Each board member must complete a board course developed by City staff not later than the 90th day after the date of the member's appointment or reappointment. The training shall include:

- (1) a review of a board member's personal and ethical responsibilities;
- (2) the role of council and staff and the council-manager form of government;
- (3) the role of advisory boards in making recommendations and advising council;

- (4) board procedures, including attendance and quorum;
- (5) the City's business planning process;
- (6) Government Code Chapter 551 (*Open Meetings Act*), Robert's Rules of Order, and Americans with Disabilities Act requirements; and
- (7) conflict resolution.

~~[(C) — After the initial training, each board member must annually complete a refresher course developed by City staff.]~~

PART 7. Section 2-1-24 (*Conflict of Interest and Recusal*) of the City Code is amended to add new Subsections (C) and (D) and to re-letter accordingly to read:

(C) At each meeting of a committee to which a board member is appointed, a committee member shall sign in on a sheet provided and shall indicate:

- (1) that the committee member has no conflict of interest related to any item on the committee meeting agenda; or
- (2) the number of an agenda item for which the committee member has a conflict of interest.

(D) Failure by a member to comply with Subsection (B) will result in that member being counted as absent from the board meeting; such an absence is an unexcused absence. Any vote or votes cast by a member who fails to comply with Subsections (B) or (C) will not be counted at the board or committee meeting at issue.

~~[(C)]~~ (E) Chapter 2-7, Article 3 (*Violation: Complaint And Hearing Procedures*) applies to this section, and a sworn complaint alleging a violation may be filed under the procedures of that article. If the Ethics Review Commission determines that a violation of this section has occurred, it shall follow the procedure required by Section 2-7-47(*Prosecution*).

PART 8. Subsection (A) of Section 2-1-26 (*Attendance Requirements and Automatic Vacation*) of the City Code is amended and Subsection (B) is repealed and replaced to read:

(A) Except as provided in Subsection (B), a board member automatically vacates the member's position if the member is absent for three consecutive regular meetings or one-third of all regular meetings in a rolling 12-month [period] timeframe, subject to the hold over provision in Section 2-1-27 (Vacancy and Hold Over Capacity). Attendance by a board member at committee meetings and working group meetings is not considered for purposes of determining the board member's compliance with attendance requirements.

(B) Subsection (A) does not apply to an absence due to the following:

- i. the board member's illness or injury;
- ii. the illness of or injury to a member of the board member's immediate family; or
- iii. the birth or adoption of the board member's child, for 90 days after the birth or adoption.

The board member must notify the staff liaison of one of these stated reasons for the absence not later than the date of the next regular meeting of the board. For an absence due to the birth or adoption of the board member's child, the board member must notify the staff liaison not later than the date of the next regular meeting after the birth or adoption.

PART 9. Subsections 2-1-42(B), (C) and (D) (*Officers and Committees*) of the City Code are amended and Subsection (E) is added to read:

(B) A person may not serve as an officer in a designated position of a board for more than three consecutive one-year terms. Service before July 31, 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 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 a seven member board, five members constitute a two-thirds vote.

(C) A board may create a committee from its membership to aid the board in carrying out its purpose. A board may not designate or appoint a non-member to serve on a committee. A board may not create a joint committee with another board unless directed by a formal action of council to do so.

(D) A meeting of a committee or a joint committee shall be posted under Government Code Chapter 551 (*Open Meeting Act*).

(E) In lieu of creating a committee, a board may create a working group to consider a defined matter or matters and report its recommendation to the board. A working group is not required to comply with Government Code Chapter 551 (*Open Meetings Act*) or to keep minutes of its meetings.

PART 10. Subsections (A), (E) and (G) of Section 2-1-43 (*Meeting Requirements*) of the City Code are amended and new Subsection (H) is added to read:

(A) Unless otherwise provided in this chapter, each board shall meet not less often than quarterly. A board shall annually approve a regular meeting schedule and file the schedule with the Office of the City Clerk. A board may not call a meeting in addition to its regularly scheduled meetings, as identified in its adopted meeting schedule and bylaws, more often than once a quarter, unless the unscheduled meeting is required to comply with a statutory deadline or a deadline established by Council.

(E) A board liaison shall submit a meeting agenda through the city's on-line agenda posting system for each meeting. [transmit :]

~~[(1) — a meeting agenda to the city clerk as required for posting under Government Code Chapter 551 (*Open Meetings Act*); and~~

- (2) ~~an electronic agenda to the Public Information Office for posting on the City's website].~~

(G) Each board and each committee shall keep and post minutes of its meetings on the designated on-line system[;]. ~~[which]~~ The minutes shall:

- (1) list the members in attendance;
- (2) state the subject of each deliberation; and
- (3) indicate each vote, order, decision, or other action taken[;]. ~~[and~~
- (4) ~~be filed with the liaison department.]~~

(H) After first consulting with and receiving input from the staff liaison, the board chair shall approve each final meeting agenda prior to posting. 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.

PART 11. Subsections 2-1-44(B) and (D) (*Meeting Procedures*) of the City Code are amended to read:

(B) Each board shall adopt the City's standard board bylaws. ~~[Not more than once a year, a board may adopt a revision to the standard bylaws.]~~ A bylaw amendment is not effective unless approved by the Council Audit and Finance Committee.

(D) Boards may adopt special rules of procedure as required. A board's special rules of procedure may not conflict with state or federal law, the board's bylaws, or the City Code.

PART 12. Subsection 2-1-45(B) (*Failure to Meet*) of the City Code is amended to read:

(B) The city clerk shall send written notice to the Council Audit and Finance Committee of a board's failure to convene for a period of six

months. The Council Audit and Finance Committee shall make a recommendation to council on whether to continue the board within 60 days of receiving notice under this subsection[-], unless dissolution of the board is prohibited by other law.

PART 13. Section 2-1-46 (*Annual Review, Review Report, and Work Plan*) is repealed and replaced with a new Section 2-1-46 to read:

§ 2-1-46 ANNUAL INTERNAL REVIEW AND REVIEW REPORT.

(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 March 31 of each year.

(B) The report must include the following:

(1) a statement of the board's mission and a description of the board's actions in furtherance of that mission during the previous calendar year; and

(2) the board's goals and objectives for the new calendar year.

(C) The city auditor must review each internal review report and make recommendations to the Council Audit and Finance Committee concerning which board, or boards, if any, will be audited by that office.

PART 14. Subsection 2-1-47(A) (*Dissolution*) is amended to read:

(A) The council may vote to dissolve a board at any time[-], unless prohibited by other law.

PART 15. Chapter 2-1 is amended to add a new section 2-1-48 to read:

§ 2-1-48 RULES OF ORDER.

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

PART 16. Section 2-1-123 (*Early Childhood Council*) of the City Code is amended by adding new Subsection (D) to read:

(D) If only a quorum of the Early Childhood Council is present at a meeting, a board action is adopted by an affirmative vote of two thirds of the quorum. 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.

PART 17. Section 2-1-127 (*Community Development Commission*) of the City Code is amended by adding new Subsection (G) to read:

(G) If only a quorum of the Community Development Commission is present at a meeting, a board action is adopted by an affirmative vote of two thirds of the quorum. 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.

PART 18. Subsection 2-1-141(A) (*Downtown Commission*) of the City Code is amended to read:

(A) The Downtown Commission is composed of 15 members appointed by the city council. If only a quorum of the Downtown Commission is present at a meeting, a board action is adopted by

an affirmative vote of two thirds of the quorum. 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.

PART 19. Subsection 2-1-144(A) (*Environmental Board*) of the City Code is amended to read:

(A) In this section, "department" means the Watershed Protection [~~and Development Review~~] Department.

PART 20. Section 2-1-150 (*Library Commission*) of the City Code is amended to read:

§ 2-1-150 LIBRARY COMMISSION.

The Library Commission shall make recommendations to the city council[, the city manager, and the librarian] on matters relating to the establishment, maintenance, and operation of the public libraries.

PART 21. Section 2-1-166 (*Renaissance Market Commission*) of the City Code is repealed.

PART 22. Section 2-1-170 (*Sustainable Food Policy Board*) of the City Code is amended to add new Subsection (D) to read:

(D) If only a quorum of the Sustainable Food Policy Board is present at a meeting, a board action is adopted by an affirmative vote of two thirds of the quorum. 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.

PART 23. Subsection 2-1-182(C) (*Solid Waste Advisory Commission*) is repealed, the Section is re-lettered accordingly, and Subsection (F) is amended to read:

[~~(G)~~] (E) The commission may also exercise the following oversight functions:

- (1) work with staff to develop programs to implement the commission's duties and responsibilities;

- (2) evaluate the economic feasibility and impacts of its goals and objectives programs;
- (3) coordinate with the staff for utilization of staff time and resources for liaison activities with the commission;
- (4) make policy and budget recommendations to the city council relating to solid waste program implementation;
- (5) review waste disposal program implementation strategies as they are developed;
- (6) review staff progress toward successful implementation of solid waste management on a periodic basis;
- (7) review staff reports and studies relating to commission programs, including economic and rate impacts and environmental effects; and
- (8) review the results from the monitoring of solid waste programs and facilities[; ~~and~~
- ~~(9) review activities of waste to energy advisory task force].~~

PART 24. Subsection 2-1-183(B) (*Urban Forestry Board*) of the City Code is amended to read:

(B) The urban forester, city arborist, the director of Parks and Recreation Department, and the director of the Watershed Protection [~~and Development Review~~] Department shall serve as ex officio members of the board.

PART 25. Subsection 2-1-186(D) (*Water and Wastewater Commission*) of the City Code is amended to read:

- (D) The commission [~~shall develop~~] may conduct an annual [~~program~~] review [~~setting out~~] of the commission's goals and objectives, and the activities needed to achieve these goals and objectives in the following areas, for the year covered by the program:

- (1) water supply distribution;
- (2) water demand and conservation management;
- (3) wastewater treatment and collection;
- (4) water quality;
- (5) service area master planning and capital improvement project development;
- (6) utility operating budget;
- (7) rates and fees; and
- (8) citizen education.

PART 26. Section 4-8-3 (*Applicability*) of the City Code is repealed and replaced with a new Section 4-8-3 to read:

§ 4-8-3 APPLICABILITY.

This chapter applies to a person who lobbies the mayor, a councilmember, their aides, a member of a board governed by Chapter 2-1 of the Code, a member of a board, task force, or other bodies established by council and listed by the city clerk in accordance with section 2-1-3(C) of the Code, and the following city staff: the city manager, an assistant city manager, their aides, the city attorney, an assistant city attorney, a department or assistant department director, and, where no assistant department director serves, the first principal assistant of the department.

PART 27. Subsection 14-2-19(C) of the City Code is repealed.

PART 28. The Renaissance Market Commission is dissolved.

PART 29. Newly appointed and reappointed board members are not required to receive training within 90 days of appointment or reappointment on topics described in Section 2-1-23(B)(3) or (4) until City staff updates the training materials concerning those topics to reflect changes to the City Code

made by this ordinance. Board members who are appointed or reappointed on or after the date council approves this ordinance will be required to receive the updated training not later than the 90th day after the updated training materials are made available. The city clerk shall notify all board members who are required to take the updated training of its availability, and shall include in the notice the date by which the board members must take the training.

PART 30. A board chair is required to conduct the first internal review of the board and prepare an internal review report as required by section 2-1-46 in calendar year 2012.

PART 31. This ordinance takes effect on _____, 2010.

PASSED AND APPROVED

_____, 2010 §
 §
 § _____
 Lee Leffingwell
 Mayor

APPROVED: _____
 Karen Kennard
 Acting City Attorney

ATTEST: _____
 Shirley A. Gentry
 City Clerk