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35 (B) Both parties shall select one arbitrator within 5 days of the original  
36 written request to arbitrate and provide written notification to the other  
37 party of the name and contact information for the selected arbitrator. The  
38 selected arbitrators shall attempt to select a third (neutral) arbitrator within  
39 10 days of their selection in order to form a three-person Arbitration Board.  
40 If the arbitrators are unable to agree on a third arbitrator, the parties shall  
41 request a nationwide list of 9 qualified neutral arbitrators from the  
42 American Arbitration Association. The parties or their designees may  
43 agree on one of the 9 neutral arbitrators on the list. If they do not agree  
44 within 5 days after the date they receive the list, each party or the party's  
45 designee shall alternate striking a name from the list, and the name  
46 remaining is the third arbitrator. The third arbitrator shall preside over the  
47 Board. Any decisions made by the Board at any stage of the arbitration  
48 process will be determined by simple majority vote of the selected  
49 arbitrators.  
50

51 (C) Arbitration shall be conducted by the City and the Association pursuant  
52 to the procedures, timelines, duties, requirements, and rights as set forth in  
53 Texas Local Government Code §§ 174.155, 174.157—174.162, 174.164,  
54 and 174.253, or any successor to these statutory provisions.  
55

56 (D) In making its decision, the Board may consider only the following:  
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58 (1) the history of collective bargaining agreements and negotiations  
59 between the parties;  
60

61 (2) compensation and conditions of employment that prevail in comparable  
62 public sector employment in other cities;  
63

64 (3) the rate of increase or decrease in the cost of living for the Austin area  
65 as determined by the Consumer Price Index (CPI-W), adjusted as necessary  
66 to account for housing and tax costs in the Austin area and other relevant local  
67 factors;  
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69  
70 (4) any of the following conditions:  
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- (a) hazards of employment,
- (b) physical qualifications,
- (c) educational qualifications,
- (d) mental qualifications,
- (e) job training,
- (f) skills,
- (g) employee morale, and
- (h) any other factors the Board determines to be relevant to the issues raised by the parties; and

(5) revenues available to and contractual obligations of the City and the impact of any arbitration ruling on the taxpayers of the City.

**PART 3.** The election shall be conducted between the hours of 7:00 a.m. and 7:00 p.m. The location of the main early voting polling place, the dates and hours for early voting, and the early voting clerk's official mailing address are provided in Exhibit A, attached and incorporated as a part of this ordinance.

**PART 4.** A direct electronic recording voting system, as the term is defined in Title 8 of the Texas Election Code, shall be used for early voting and for voting conducted on election day. The central counting station is established at the Travis County Elections Division, 5501 Airport Boulevard, Austin, Texas.

**PART 5.** Notice of this election shall be posted and published in accordance with state law. The notice shall be posted, in both English and Spanish, in the office of the City Clerk and at the City Hall notice kiosk not later than the 21<sup>st</sup> day before election day. Notice of this election shall be published one time, in English and Spanish, not earlier than the 30<sup>th</sup> day before the date of the election or later than the 10<sup>th</sup> day before the date of the election, in a newspaper of general circulation in the City of Austin.

**PART 6.** In accordance with Chapter 271 of the Texas Election Code, the (DATE) special municipal election may be held jointly with the various political subdivisions that share territory with the City of Austin and that are holding elections on that day. The City Clerk may enter and sign joint election agreements with other political

102 subdivisions for this purpose, and their terms as stated in the agreements are hereby  
103 adopted.

104 **PART 7.** The Council finds that the need to immediately begin required  
105 preparations for this election constitutes an emergency. Because of this emergency,  
106 this ordinance takes effect immediately on its passage for the immediate preservation  
107 of the public peace, health, and safety.

108 **PASSED AND APPROVED**

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112 \_\_\_\_\_, 2021 § \_\_\_\_\_

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Steve Adler

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Mayor

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116

117 **APPROVED:** \_\_\_\_\_

**ATTEST:** \_\_\_\_\_

118

Anne L. Morgan

Jannette S. Goodall

119

City Attorney

City Clerk

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