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ORDINANCE NO.

AN ORDINANCE ORDERING A SPECIAL MUNICIPAL ELECTION TO BE HELD IN THE CITY OF AUSTIN ON NOVEMBER 2, 2021, TO SUBMIT TO THE VOTERS A PROPOSED CITIZEN-INITIATED ORDINANCE REGARDING FUNDING, STAFFING, TRAINING, AND OVERSIGHT OF THE AUSTIN POLICE DEPARTMENT; PROVIDING FOR THE CONDUCT OF THE SPECIAL ELECTION; AUTHORIZING THE CITY CLERK TO ENTER INTO JOINT ELECTION AGREEMENTS WITH OTHER LOCAL POLITICAL SUBDIVISIONS AS MAY BE NECESSARY FOR THE ORDERLY CONDUCT OF THE ELECTION; AND DECLARING AN EMERGENCY.

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

PART 1. A special municipal election shall be held in the City of Austin on November 2, 2021, to submit to the voters of the city a proposed citizen-initiated ordinance regarding funding, staffing, training, and oversight of the Austin Police Department. The ballot shall be prepared to permit voting “Yes” or “No” on the Proposition:

Proposition A: Ballot language TBD.

PART 2. If the proposition provided in Part 1 is approved by a majority of voters voting at the election, the City Code is amended as indicated below, with the Purpose appearing before Section 2-16-1 of the City Code, and the Effectiveness and Severability appearing after Section 2-16-3 of the City Code:

PART 1. Purpose

On August 13, 2020, the City of Austin announced the adoption of its budget for 2020-21. One of the most fundamental and basic duties and responsibilities of municipal government and local elected officials is to provide for the safety of residents and visitors. The adopted budget was represented “to reflect the priorities of the Austin community,” while it drastically defunded the police department by reducing the budget by over \$31 million, cutting 180 officer positions and delaying four cadet classes. In addition to these budget reductions, more than \$120 million in funds were also set aside from police activities that could be ended or redirected. All of these decisions were made by the City Council, despite the fact the same City budget reflects that fewer than 7 in 10 Austinites say they feel safe at all times, a downward trend in satisfaction the City itself admits it would “optimally ... like to

increase significantly.” Further, more than 50% of residents and visitors say they are dissatisfied with public safety at night downtown, a critical deficiency for our community that has been historically dependent on tourism and entertainment. We must ensure that more police are employed, highly trained and fully accountable on the streets of our community. This proposed ordinance is critical and will require the City Council to adopt an adequate level of police funding, staffing, and training and enhance police oversight, all of which are crucial to providing for the safety and well-being of our Austin Community.

PART 2. Title 2 of the Austin City Code is hereby amended by adding Chapter 2-16 as follows:

§ 2-16. EFFECTIVE PUBLIC SAFETY

§ 2-16-1 – MINIMUM STANDARDS AND RESOURCES

The city council shall ensure at all times that the police department achieves the following minimum standards:

(A) the employment of at least two sworn officers for every 1,000 residents, as determined by the city demographer based on the most recent data available from the United States Census Bureau, while maintaining not less than 35% community engagement time for all front-line officers whose time is measured on this basis across the entire police force;

(B) full enrollment for no fewer than three full-term cadet classes for the department, until such time as the staffing levels for the department return to the levels prescribed in the 2019-2020 city budget;

(C) an additional 40 hours each year of mandatory continuing education and in-service training for all sworn officers employed by the department above the hours required by the Texas Commission on Law Enforcement, with an emphasis on training outside a classroom setting that will equip the officers to handle evolving, fluid, dangerous situations and enhance their own safety and that of the public. The training will be developed by the commander of the department academy and emphasize skills essential to the everyday split-second decision-making officers face on the streets in areas such as critical thinking, defensive tactics, intermediate weapons proficiency, active shooter scenarios, and hasty react team reactions; and

(D) a program designed by the police chief to enhance recruiting and retention of officers by providing incentives in the form of additional compensation or compensatory time for:

(1) officers proficient in the five most common non-English languages spoken in the city, based on the most recent information available from the United States Census Bureau,

(2) officers who participate in a mentoring program for cadets in the department academy, and

(3) officers in good standing and eligible for an honorable conduct citation or equivalent recognition every fifth year.

§ 2-16-2 – REPRESENTATIVE COMMUNITY POLICING

To ensure effective public safety throughout all areas of the city that meets the needs of neighborhoods and establishes and maintains trust between the police and city residents, the police chief shall:

(A) Work to recruit, hire and maintain a police force that reflects the racial, ethnic and gender diversity of the city.

(B) Establish a system that, to the extent practicable, ensures officers representative of, and proficient in the most common non-English languages spoken in, neighborhoods within the city regularly and consistently patrol those neighborhoods.

§ 2-16-3 – COORDINATION OF OVERSIGHT

To help ensure effective oversight of and accountability for the Department:

(A) The mayor and council members, their assistants and members of their staffs, and the director of the office of police oversight shall, during their first year of service or employment, (a) attend and complete the curriculum of the Citizen Police Academy or the alternative program developed by the director and (b) participate in the city's Ride Along Program, and the director shall issue a report annually regarding the participation of these individuals.

(B) In order to be eligible for appointment to the Public Safety Commission or the Community Police Review Commission or their successor boards, a person nominated to serve by a council member must, prior to any vote of the council to

98 approve the nomination, (a) attend and complete the curriculum of the Citizen Police
99 Academy or the alternative program developed by the director and (b) participate in
100 the city's Ride Along Program.

101 **PART 3. Effectiveness and Severability.**

102 (A) The effective date of this ordinance shall be the earlier of (i) ten (10) days after
103 the date of its final passage by the Austin City Council, as prescribed under Article
104 IV, Section 4(a) of the Austin City Charter or (ii) the date upon which the results of
105 an election required under Article IV, Section 4(b) are canvassed.

106 (B) If any section, paragraph, clause, or provision of this ordinance is for any reason
107 held to be invalid or unenforceable, the invalidity or unenforceability of that section,
108 paragraph, clause, or provision shall not affect any of the remaining provisions of this
109 ordinance, and to this end, the provisions of this ordinance are declared to be
110 severable. This ordinance shall supersede the Austin City Code to the extent there are
111 any conflicts.

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

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

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

126 **PART 6.** In accordance with Chapter 271 of the Texas Election Code, the November 2,
127 2021 special municipal election may be held jointly with the various political
128 subdivisions that share territory with the City of Austin and that are holding elections on
129 that day. The City Clerk may enter and sign joint election agreements with other political
130 subdivisions for this purpose, and their terms as stated in the agreements are hereby
131 adopted.

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

PASSED AND APPROVED

_____, 20____ § _____

Steve Adler
Mayor

APPROVED: _____

Anne L. Morgan
City Attorney

ATTEST: _____

Jannette S. Goodall
City Clerk