

ORDINANCE NO. 20160303-024

AN ORDINANCE AMENDING CHAPTER 2-5 OF THE CITY CODE RELATING TO COUNCIL COMMITTEES AND PROCEDURES FOR COUNCIL MEETINGS.

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

PART 1. City Code Section 2-5-26 (*Agenda for Council Meetings*) is amended to read:

§ 2-5-26 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 [~~specific~~] notice for an item that was [~~not~~] reviewed by a council committee stating that the item was [~~not~~] 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 [~~and council committee~~], 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) [~~, or~~] the item is [~~has been~~] sponsored by four council members; or
 - (4) [~~(3)~~] the item is an administrative matter, or [~~, if due to exigent circumstances,~~] 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) Electronic publishing of draft agenda. The city manager shall:

- (1) electronically publish a draft of the agenda on the City Web site not later than the ninth day before the regularly scheduled council meeting and supplement the initial posting with additional items that have been added;
- (2) provide electronic mail notification of the electronic posting of the draft agenda to any citizen who requests notification by the established electronic notification system;
- (3) include as much back-up information for each draft agenda item as is available at the time of the initial electronic posting and supplement the initial posting with additional back-up information as it becomes available; and
- (4) label each draft agenda "Draft Agenda for Council Meeting" and indicate the date on which each draft agenda is first electronically published and the date on which each back-up item for each item is added to the draft agenda.

~~[(D) If a council member, the city clerk, the city auditor, the clerk of the municipal court, a municipal judge, or a board created by Chapter 2-1 (City Boards) wishes to place an item on a council agenda, the council member, the city clerk, the city auditor, the clerk of the municipal court, the municipal judge, or board chair should follow the procedure set by this subsection.~~

- ~~(1) The board chair must be acting on a vote of the board.~~
- ~~(2) The council member, the city clerk, the city auditor, the clerk of the municipal court, the municipal judge, or board chair must submit the proposed item to the city clerk who shall provide a copy of the proposal to the mayor and city manager. The council member's proposal may include a preferred committee for assignment by the mayor.~~
- ~~(3) The mayor shall, no later than the fifth working day after the date the mayor receives the proposal, or as soon thereafter as practicable, assign the item to a council standing committee. The mayor shall consider the proposing council member's preferred committee, if any. The mayor may assign an item to more than one committee. If an item is assigned to more than one committee, the mayor may ask the committee chairs to coordinate the committees' review and to consider the item either jointly or sequentially.~~
- ~~(4) When the mayor has selected the appropriate committee, the city manager shall promptly provide the written proposal to the committee's staff liaison.~~

- ~~(a) The liaison shall promptly submit the proposed item to the city attorney, the chief financial officer, and the appropriate City department director for review.~~
 - ~~(b) The city attorney, the chief financial officer, and the department director shall respond with comments not later than the fifth business day after receiving the proposal from the staff liaison. The city attorney's response should include a proposed posting for the item.~~
 - ~~(c) The committee's staff liaison shall consult with the proposing council member, the city clerk, the city auditor, the clerk of the municipal court, the municipal judge, or board chair and make any revision to the proposed item that the proposing member, the city clerk, the city auditor, the clerk of the municipal court, the municipal judge, or board chair requires. A substantive change must be reviewed by the city attorney and the chief financial officer.~~
 - ~~(d) After the proposing member, the city clerk, the city auditor, the clerk of the municipal court, the municipal judge, or board chair has approved the item the committee's staff liaison shall work with the committee chair to place the item on the next available committee agenda, which shall be no later than the thirtieth working day after the date the item was assigned to the committee, or as soon thereafter as it is practicable to meet the posting requirement.~~
 - ~~(5) The item shall be considered by the committee and sent for consideration to the full council as provided by Section 2-5-108 (Committee Actions).]~~
- (D) ~~[(E)]~~ Four ~~[If four]~~ council members may ~~[wish to bypass the committee process and]~~ place an item directly on the council agenda:
- (a) The council members should submit items for inclusion on an agenda not later than the sixth business day in advance of the council meeting.
 - (b) 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.
 - (c) 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) ~~(F)~~ 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.

PART 2. Subsection (C) of City Code Section 2-5-102 (Membership of Council Committees) is amended to read:

- (C) The term of a committee member is two years ~~[one year]~~ beginning on the date the committee appointments are ratified by the council.

PART 3. City Code Section 2-5-104 (Staff Support) is amended to read:

§ 2-5-104 Staff Support.

- (A) The city manager and city clerk shall provide appropriate staff support to each council committee.
- (B) The city manager and city clerk shall each appoint a staff liaison for each committee to assist the chair, with the consent of the committee:
- (1) organizing meeting times and places;
 - (2) preparing and posting the agenda, including identifying items that are district-specific;
 - (3) preparing the minutes and any other documents created by the committee; and
 - (4) preparing data to be presented to the committee, including:
 - (a) public involvement and comment received to date;
 - (b) fiscal effects, including:
 - (i) capital requirements; and
 - (ii) ongoing operational expenses, such as, for example, staffing requirements, for the current and future budget years;
 - (c) legal analysis; and
 - (d) any other information requested by a committee member, provided that, if an information request by a committee member will take

substantial time or resources, the request must be approved by a vote of the committee or council, as the manager determines appropriate.

- (C) The city auditor shall provide staff support to the Council Audit Committee and perform the duties required by Subsection (B). The city auditor shall provide support to another council committee as requested by a vote of the committee [chair].

PART 4. City Code Section 2-5-105 (*Committee Meetings*) is amended to read:

§ 2-5-105 Committee Meetings.

- (A) The agenda and the back-up materials for a council committee meeting must be posted and open to the public in the same manner as a meeting of the full council for the committee to take action, receive ~~[live]~~ public comment, or meet as a committee with another person who is not a council member or the mayor.
- (B) Except as otherwise provided, three members of a committee are a quorum. The favorable votes of a majority of the quorum present at the meeting are required for a committee to take action.
- (C) A member of the council may attend a meeting of any committee and participate in the deliberation, however only a member of the committee may vote and contribute to the formation of a quorum for a committee meeting.

~~[(D) At the committee chair's direction, the staff liaison shall notify a council member when a matter directly affecting property in that council member's district is on the committee's agenda.]~~

- (D) ~~[(E)]~~ The chair of a committee shall preside over each meeting, and, in consultation with other committee members and with the assistance of staff, shall:

- (1) set the time and place of each meeting of the committee;
- (2) set [prepare] the agenda for each meeting, provided that a chair must provide a reasonable setting for an item that qualifies under §2-5-106 (*Committee Agendas*) [;
- ~~(3) prepare the minutes; and~~
- ~~(4) prepare the final committee report which shall include any reports, resolutions, and other documents created by the committee, any reports from City boards, public written and oral testimony, minutes, and transcripts or video or audio recordings of proceedings].~~

(E) ~~[(F)]~~ The chair of a committee may allow the chair of a City board ~~[, or the board chair's designee,]~~ to provide context and history regarding an item which was reviewed by that City board ~~[participate in the deliberation of an item].~~

(F) ~~[(G)]~~ The vice chair of a committee shall perform the duties of the chair in the chair's absence.

PART 5. City Code Section 2-5-106 (*Committee Agendas*) is amended to read:

§ 2-5-106 Committee Agendas.

(A) Except for the Austin Energy Utility Oversight Committee, two members of a committee, or the mayor and one committee member, must sponsor an item on a committee agenda. Three members of the Austin Energy Utility Oversight Committee must sponsor an item on a committee agenda. The staff liaison shall forward a request from the mayor to place an item on a committee's agenda to the committee members. The committee [chair] may place an item on the committee's agenda during a future items discussion on a committee agenda, or the staff liaison may coordinate among potential co-sponsors of an agenda item for placement on a committee ~~[, and shall place an item on the committee's]~~ agenda [;]

~~(1) as assigned by the mayor under Section 2-5-26(D);~~

~~(2) at the request of the mayor;~~

~~(3) at the request of a member of the committee;~~

~~(4) at the request of two council members who are not members of the committee;~~
~~and~~

~~(5) at the request of the city manager].~~

(B) If the city clerk, the city auditor, the clerk of the municipal court, a municipal judge, or a board created by Chapter 2-1 (City Boards) wishes to place an item on a council committee agenda, the city clerk, the city auditor, the clerk of the municipal court, the municipal judge, or board chair should follow the procedure set by this subsection.

(1) The board chair must be acting on a vote of the board.

(2) The city clerk, the city auditor, the clerk of the municipal court, the municipal judge, or board chair must submit the proposed item to the city clerk who shall provide a copy of the proposal to the mayor and city manager.

(3) The mayor shall, no later than the fifth working day after the date the mayor receives the proposal, or as soon thereafter as practicable, assign the item to a

council standing committee. The mayor may assign an item to more than one committee. If an item is assigned to more than one committee, the mayor may ask the committee chairs to coordinate the committees' review and to consider the item either jointly or sequentially.

- (4) When the mayor has selected the appropriate committee, the city manager shall promptly provide the written proposal to the committee's staff liaison.
- (5) The liaison shall promptly submit the proposed item to the city attorney, the chief financial officer, and the appropriate City department director for review.
- (6) The city attorney, the chief financial officer, and the department director shall respond with comments not later than the fifth business day after receiving the proposal from the staff liaison. The city attorney's response should include a proposed posting for the item.
- (7) The committee's staff liaison shall consult with the city clerk, the city auditor, the clerk of the municipal court, the municipal judge, or board chair and make any revision to the proposed item that the city clerk, the city auditor, the clerk of the municipal court, the municipal judge, or board chair requires. A substantive change must be reviewed by the city attorney and the chief financial officer.
- (8) After the city clerk, the city auditor, the clerk of the municipal court, the municipal judge, or board chair has approved the item the committee's staff liaison shall work with the committee to consider placing the item on the next available committee agenda, which shall be no later than the thirtieth working day after the date the item was assigned to the committee, or as soon thereafter as it is practicable to meet the posting requirement.
- (9) The item shall be considered by the committee and sent for consideration to the full council as provided by Section 2-5-108 (*Committee Actions*).

PART 6. City Code Section 2-5-108 (*Committee Actions*) is amended to read:

§ 2-5-108 Committee Actions.


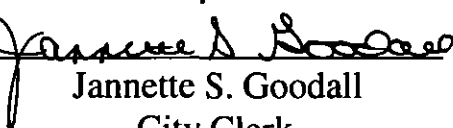
- (A) A committee's vote is only advisory to the full council.
- (B) A council committee may place an item on a council agenda by an affirmative vote of the number of members necessary for a quorum of the committee. A committee may take one of the following actions on an agenda item that may [is intended to] be placed on a future council agenda:
 - (1) recommend the item [~~send the item to the council with a recommendation~~];

- (2) make no ~~[send the item to the council without a]~~ recommendation on the item;
- (3) recommend against the item;
- (4) ~~[(3)]~~ hold the item for further committee review;
- (5) ~~[(4)]~~ refer the item to a City board; or
- (6) ~~[(5)]~~ refer the item to another council committee.
- (C) The city clerk shall post a final committee report publicly ~~[publically]~~. When an item that has been heard by a committee goes to the council, a City board, or another council committee, the city clerk shall send a copy of the final committee report to the council, board, or committee.
- (D) With respect to a zoning matter reviewed by the Planning and Neighborhoods Committee, the committee shall attempt to determine disputed facts, identify policy issues in controversy, and allow for mediation as appropriate.
- (E) The Economic Opportunity Committee shall review monthly, and provide an update to the council quarterly, on progress towards meeting the City's minority and women owned business contracting goals.
- (F) A committee may not direct City staff beyond the council's right of inquiry.

PART 7. This ordinance takes effect on March 14, 2016.

PASSED AND APPROVED

_____, March 3, 2016 §
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APPROVED:  ATTEST: 
Anne L. Morgan Jannette S. Goodall
City Attorney City Clerk

Steve Adler
Mayor