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ORDINANCE NO.

1     **AN ORDINANCE AMENDING CITY CODE SECTION 2-1-42 TO LENGTHEN**  
2     **THE TERM LIMIT FOR BOARD OFFICERS; MODIFYING THE CITY'S**  
3     **STANDARD BYLAWS FOR BOARDS; AND DECLARING AN EMERGENCY.**  
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5     **BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:**  
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7     **PART 1.** City Code Subsection 2-1-42(B) (*Officers and Committees*) is amended to  
8     read as follows:

9             (B) A person may not serve as ~~[the chair]~~ an officer in a designated position of a  
10            board for more than ~~[two]~~ three consecutive years one-year terms. Service before  
11            July 31, 2008 is excluded in determining the number of years served. A person  
12            who has served as an officer in a designated position of a board for three  
13            consecutive terms is not eligible for re-election to that designated office until the  
14            expiration of two years after the last date of the person's service in that office.

15     **PART 2.** Subsection (C), Article 4 (*Officers*) of the "Template for Standard City Board  
16     Bylaws," as adopted in Ordinance 20080214-012 and modified by the Council Audit and  
17     Finance Committee on September 23, 2008, is repealed and replaced to read as follows:

18            (C) The term of office shall be one year, beginning September 1 and ending  
19            August 31. An officer may continue to serve until a successor is elected. A person  
20            may not serve as an officer in a designated position of a board for more than three  
21            consecutive one-year terms. A person who has served as an officer in a  
22            designated position of a board for three consecutive terms is not eligible for re-  
23            election to that designated office until the expiration of two years after the last  
24            date of the person's service in that office.

25     **PART 3.** Each advisory board is directed to adopt amended bylaws that reflect the new  
26     bylaw language at its first regular meeting after August 1, 2010.

27     **PART 4.** The council finds that the city's advisory boards will immediately elect  
28     officers as required by each board's bylaws, which constitutes an emergency. Because of  
29     this emergency, this ordinance takes effect immediately on its passage for the immediate  
30     preservation of the public peace, health and safety.

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**PASSED AND APPROVED**

\_\_\_\_\_, 2010

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\_\_\_\_\_  
**Lee Leffingwell**  
Mayor

**APPROVED:** \_\_\_\_\_  
**Karen M. Kennard**  
Acting City Attorney

**ATTEST:** \_\_\_\_\_  
**Shirley A. Gentry**  
City Clerk

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**BYLAWS OF THE  
CITY PLANNING COMMISSION  
AUSTIN, TEXAS**

**ARTICLE 1: NAME**

The name of the board is the Planning Commission.

**ARTICLE 2: PURPOSE AND DUTIES**

The purpose of the board is to serve as the Land Use Commission, as required by Title 25 of the City Code, and to carry out the following duties assigned by City Charter Article X (*Planning*):

- (A) Review and make recommendations to the council regarding the adoption and implementation of a comprehensive plan or element or portion thereof prepared under authorization of the city council and under the direction of the city manager and responsible city planning staff.
- (B) After a comprehensive plan or element or portion thereof has been adopted:
  - (i) Review and make recommendation to the council on all amendments to the comprehensive plan or element or portion thereof.
  - (ii) Review and make recommendations to the council on all proposals to adopt or amend land development regulations for the purpose of establishing the relationship of such proposal to, and its consistency with, the adopted comprehensive plan or element or portion thereof. For purposes of this article and subsection, "land development regulations" includes zoning, subdivision, building and construction, environmental, and other police power regulations controlling, regulating, or affecting the use or development of land.
- (C) Pursuant to ordinances adopted by the council, exercise control over platting and subdividing land within the corporate limits of city areas that are: (i) covered by or in the process of developing Neighborhood Plans; the former Robert Mueller Airport site; and (iii) a Transit Oriented Development district. See: City Code Sections 25-1-46(C)-(D) & 2-1-187(B). The board must insure the consistency of any such plats or subdivisions with the adopted comprehensive plan or element or portion thereof.
- (D) Submit annually to the city manager, not less than ninety (90) days prior to the beginning of the budget year, a list of recommended capital improvements, which in the opinion of the board are necessary or desirable to implement the adopted

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comprehensive plan or element or portion thereof during the forthcoming five-year period.

- (E) Monitor and oversee the effectiveness and status of the comprehensive plan and recommend annually to the council any changes in or amendments to the comprehensive plan as may be desired or required.
- (F) Prepare periodic evaluation and appraisal reports on the comprehensive plan, which shall be sent to the council at least once every five (5) years after the adoption of the comprehensive plan or element or portion thereof.
- (G) Require information from the city manager relative to its work.
- (H) The board shall be responsible to and act as an advisory body to the council and shall perform such additional duties and exercise such additional powers as may be prescribed by ordinance of the council not inconsistent with the provisions of the Charter.

### **ARTICLE 3: MEMBERSHIP**

- (A) The board has a number of members equal to the number of members on the council plus two (2) additional members. A minimum of two-thirds of the members shall be lay members not directly or indirectly connected with real estate and land development. The city manager, the chairperson of the zoning board of adjustment, the director of public works and the president of the board of trustees of the Austin Independent School District shall serve as ex officio members.
- (B) A member serves at the pleasure of the city council.
- (C) Board members serve for a term of two years beginning August 1<sup>st</sup> on the year of appointment. Board members are appointed by the council for a term of two (2) years, five (5) members appointed in every odd-numbered year and four (4) members in every even-numbered year.
- (D) An individual board member may not act in an official capacity except through the action of the board, except when required to do so in accordance with provisions for approval or endorsement of plats.
- (F) A board member who is absent for three consecutive regular meetings or one-third of all regular meetings in a twelve month time period automatically vacates the member's position. This does not apply to an absence due to illness or injury if the member notifies the staff liaison of the reason for the absence no later than the next meeting of the board.
- (G) 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

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that agenda, or identifies each agenda item on which the member has a conflict of interest.

- (H) 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 can appoint a replacement. Vacancies in an unexpired term are filled by the council for the remainder of the term.

#### **ARTICLE 4: OFFICERS**

- (A) The officers of the board shall consist of a chair, a vice chair, a secretary, and a parliamentarian.
- (B) Officers shall be elected annually by a majority vote of the board at the first regular meeting after August 1<sup>st</sup>. 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 September 1 and ending August 31. 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 three consecutive one-year terms. 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.
- (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, and represent the board at ceremonial functions. As provided by statute, the Chair shall sign any certificate endorsing a subdivision plat.
- (B) In the absence of the chair, the vice-chair shall perform all duties of the chair.
- (C) In the absence of both the Chair and the Vice-Chair, the member serving as presiding officer shall sign any certificate endorsing a subdivision plat. In the absence of the Chair, Vice-Chair, and Secretary, any member may be deemed the presiding officer by a quorum of the board present at the meeting, with such designation recorded in the minutes.
- (D) The Secretary shall monitor the timely completion of meeting summaries of the board's meetings. As provided by statute, all certificates endorsing a subdivision plat shall be attested by the Secretary. In the absence of the Chair and Vice-Chair, the Secretary shall perform duties of the Chair including signing any

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certificate endorsing a subdivision plat, and in such instance the certificates shall be attested by another member deemed acting-Secretary by a quorum of the board present at the meeting, with such designation recorded in the minutes.

- (E) The Parliamentarian shall advise on all matters of procedures and shall assure that business conducted before the board conforms to these Rules and Regulations and Roberts Rules of Order Newly Revised.

#### **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.
- (B) The staff liaison shall prepare and distribute the agenda to the board members 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 regular meeting of the board shall be held each month on the second and fourth Tuesday, with a work session on the fifth Tuesday, at 6 p.m., at City Hall, unless otherwise determined by the board. If the regular meeting day is a holiday, the meeting will be held on the following Tuesday of the month or on such other day as may be deemed necessary by the board.
- (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 notice of a special meeting must be in writing and sent to all members at least three days before the meeting.
- (F) Five members constitute a quorum. If there are two or more vacancies, a quorum shall consist of four members.
- (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.

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- (H) To be effective, a board action must be adopted by affirmative vote of not less than the number of members needed to form a quorum.
- (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.
- (L) The Neighborhood Planning and Zoning Department shall retain all official 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.

#### **ARTICLE 8: COMMITTEES**

- (A) Each standing or special committee must be established by an affirmative vote of the board. 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 Planning and Zoning Department.
- (B) The board chair shall appoint a committee member as the committee chair, with the member's consent.
- (C) A majority of the total number of appointed committee members constitutes a quorum.
- (D) Each standing committee shall meet on a regularly scheduled basis at least quarterly. The standing Committees of the Planning Commission shall be:

- 1. **Executive Committee.**

This Committee shall be composed of the officers of the Commission. The staff liaison shall be an ex-officio member without privilege of vote. The Executive Committee shall be responsible for coordination of the Commission's activities and may make recommendations to the Commission on the annual budget as it relates to the Commission's work program. The Committee shall annually recommended goals to the Commission and shall recommend a work plan to accomplish those goals.

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2. **Committee on the Comprehensive Plan.**

The Committee shall address Policy Directives and Initiatives of the Planning Commission or City Council, affordable housing issues, and new planning initiatives.

3. **Committee on the Capital Improvements Program.**

The purpose of this Committee is to review all departmental proposals for inclusion in the Capital Improvements program and insure proposals are consistent with the goals of Neighborhood Planning and adopted City policies. The Committee shall make recommendations to the Commission regarding capital improvements which are necessary or desirable to implement the adopted Comprehensive Plan. The CIP Committee will consider the methods used to fund the proposed projects in light of the overall fiscal health of the City, and shall monitor the progress of the adopted Capital Improvement Program.

4. **Committee on Codes and Ordinances.**

This Committee shall review and make recommendations to the Commission regarding amendment or adoption of policies, rules, and ordinances related to land use and land development.

5. **Committee on Neighborhood Planning.**

The purpose of the Committee on Neighborhood Planning is to review Neighborhood Plans, procure and significant Neighborhood Plan amendments.

6. **Liaison Committee.**

The purpose of the Liaison Committee is to meet regularly to exchange information relating to the Planning Commission and the Zoning and Platting Commission and make recommendations to the commissions on common policies, objectives, issues, and activities. The Liaison Committee consists of two members from the Planning Commission and two from the Zoning and Platting Commission.

- (E) Each standing committee shall meet on a regularly scheduled basis at least quarterly.
- (F) Each standing committee shall make an annual report to the board at the January board meeting.



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- (G) Committee meetings must be posted in accordance with 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 order 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 \_\_\_\_\_ at their meeting held on \_\_\_\_\_.

\_\_\_\_\_  
Staff Liaison to the Planning Commission