

**ORDINANCE NO. 20071129-011**

**AN ORDINANCE AMENDING THE CITY CODE TO REPEAL AND REPLACE CHAPTER 2-1 RELATING TO BOARDS AND COMMISSIONS; AMENDING SECTIONS 2-7-71 AND 2-7-72 OF THE CITY CODE RELATING TO FINANCIAL DISCLOSURE BY BOARD MEMBERS; REPEALING SECTION 2-8-22 OF THE CITY CODE RELATING TO BOARD WORK PLANS, SECTION 2-8-23 OF THE CITY CODE RELATING TO THE POLICY PLANNING AND BUDGET COMMITTEE, AND SECTION 2-10-35 RELATING TO THE DOWNTOWN AUSTIN COMMUNITY COURT ADVISORY COMMITTEE; AND PROVIDING ADMINISTRATIVE TRANSITION PROVISIONS RELATING TO BOARDS.**

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

**PART 1.** The council finds that:

- (A) The City's volunteer boards and commissions improve the value of governance in the City by providing increased citizen input in the regulatory process.
- (B) The council appointed a Boards and Commissions Process Review Task Force, which submitted a report suggesting a number of changes to the City's use of and procedures for boards and commissions.
- (C) The current board and commission process is not uniform, which creates problems of consistency in how individual boards operate, including bylaw provisions, meeting frequency, naming, and quorum.
- (D) A nomination and appointment procedure that allows a board member's service to run concurrently with the term of the councilmember making the nomination would further the public's interest in having newly elected council members impact the City's regulatory process quickly.

**PART 2.** The City Code is amended to repeal and replace Chapter 2-1 to read:

## CHAPTER 2-1. CITY BOARDS.

### ARTICLE 1. GENERAL PROVISIONS.

#### Division 1. Administrative Provisions.

##### § 2-1-1 APPLICABILITY; CONFLICTS.

- (A) This article applies to all boards described in Article 2 (*Boards*) and the board members.
- (B) The council may require a task force or a task force member to comply with this chapter. Otherwise, this chapter does not apply to a task force or task force member.
- (C) Federal law, state law, the City Charter, and other City Code provisions supersede this chapter to the extent of conflict.
- (D) A specific provision in Article 2 (*Boards*) controls over a general provision in Article 1 (*General Provisions*).

##### § 2-1-2 DEFINITIONS.

- (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) 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.

##### § 2-1-3 BOARDS ESTABLISHED.

- (A) Each board described in Article 2 (*Boards*) is established or continued in existence by the city council as an advisory or decision-making body to perform specified duties.
- (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.
- (C) The city clerk shall maintain a list of all boards, task forces, and other city-related bodies that are not included in this chapter and to which the council or mayor appoints one or more members.

**§ 2-1-4 SIZE AND APPOINTMENT.**

- (A) Except as otherwise provided in Article 2 (*Boards*), a board consists of seven members appointed by the city council.
- (B) For a board with seven or more members, each council member shall nominate one board member to serve on the board, and the mayor shall nominate the other board members.
- (C) For a board with fewer than seven members, the mayor shall nominate the board members.
- (D) All appointments of board members are subject to approval by a majority vote of council.

**§ 2-1-5 COMPOSITION AND MEMBERSHIP QUALIFICATIONS.**

Except as otherwise required by federal or state law, the City Charter, or this chapter, the board composition and membership qualifications contained in this chapter are directory and not mandatory.

**§ 2-1-6 QUORUM AND ACTION.**

- (A) A majority of the total number of authorized board members constitutes a quorum for the conduct of business. For a seven member board, four board members constitute a quorum.
- (B) A board action must be adopted by an affirmative vote of the number of members necessary to provide a quorum. For a seven member board, a board action must be adopted by an affirmative vote of four board members.

**§ 2-1-7 STAFF SUPPORT.**

- (A) The city manager shall designate a City department to provide staff support for each board, including a staff member to serve as board liaison for the department and the board.
- (B) The city clerk shall assist each board and task force in complying with Government Code Chapter 551 (*Open Meetings Act*), including the posting of meeting notices.

**§ 2-1-8 COUNCIL AUDIT AND FINANCE COMMITTEE.**

- (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) review each designated board's review report and work plan;
- (3) make recommendations to the council on the continued need for and role of each board;
- (4) review and approve or disapprove a board's requested amendment to the City's standard board bylaws;
- (5) 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) make recommendations to council on other issues related to City-related boards.

(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.

### **Division 2. Member Requirements.**

#### **§ 2-1-21 ELIGIBILITY REQUIREMENTS AND REMOVAL.**

- (A) A board member is appointed by and serves at the pleasure of the city council.
- (B) A person must be a resident of the City to be eligible for appointment to a City board, unless an exception to the residency requirement is created by federal or state law, the City Charter, or a City ordinance.

- (C) A person who is registered or is required to register as a lobbyist under Chapter 4-8 (*Regulation of Lobbyists*) or who is employed by a person registered or required to register under that chapter is not eligible to serve on a board until the expiration of three years after the date that the person ceases to be registered, required to be registered, or employed by a person registered or required to register.
- (D) A board member whose years of service exceed the limitation prescribed by Section 2-1-22 (*Membership Term And Limitation*) is not eligible for reappointment.
- (E) A person must file a written application with the city clerk to be eligible for appointment to a City board.
- (F) After a person is appointed to a board, the person is not eligible to begin service until the person has signed a written acknowledgment stating that the person:
  - (1) has taken the oath of office;
  - (2) has received a copy of and agreed to comply with the City's ethics and personal responsibility guidelines; and
  - (3) has agreed to complete the training required by Section 2-1-23 (*Training*).
- (G) To maintain eligibility, a board member must:
  - (1) complete the initial and annual refresher board courses required by Section 2-1-23 (*Training*);
  - (2) comply with Section 2-7-72 (*Public Financial Statements*), if applicable; and
  - (3) comply with the attendance requirements of Section 2-1-26 (*Attendance Requirements And Automatic Vacation*).
- (H) A person may not serve on more than one City-established board simultaneously, except as a representative of another board or as required by federal or state law or City ordinance or resolution.
- (I) Except as provided in Subsection (H), a board member whose term has expired continues to serve in a hold-over capacity until the earlier of the date a successor is appointed to fill the position or the 60<sup>th</sup> day after the term expiration date.

- (J) A board member who becomes ineligible to serve under this chapter or federal or state regulation may not continue to serve even though a successor has not been appointed.
- (K) A board member may be removed at any time by an affirmative vote of the majority of the council.

**§ 2-1-22 MEMBERSHIP TERM AND LIMITATION.**

- (A) A board member is appointed for a term of three years beginning August 1<sup>st</sup>. The term of office for a board member runs concurrently with the term of office for the city council member who appoints the member.
- (B) Except as provided in Subsection (C), a board member may serve not longer than nine consecutive years on the same board. Service before December 10, 2007 is excluded in determining the number of years served.
- (C) A board member who has served nine years on the same board is not eligible for reappointment to a board until the expiration of two years after the last date of the member's service on the board.

**§ 2-1-23 TRAINING.**

- (A) A board member must comply with the training requirements of this section to maintain eligibility to serve on the board.
- (B) Each board member must complete a board course developed by City staff not later than the 90<sup>th</sup> day after the date of the member's appointment. 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 an 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.

**§ 2-1-24 CONFLICT OF INTEREST AND RECUSAL.**

- (A) This section is cumulative of Chapter 2-7 (*Ethics And Financial Disclosure*) and Local Government Code Chapter 171 (*Regulation Of Conflicts Of Interest Of Officers Of Municipalities, Counties, And Certain Other Local Governments*). Under this section a board member has a conflict of interest if the City Code or another law prohibits the board member from taking action on a vote or decision before the board.
- (B) At each meeting, a board member shall sign an attendance sheet and shall indicate:
- (1) that the board member has no conflict of interest related to any item on the agenda; or
  - (2) the number of an agenda item for which the board member has a conflict of interest.
- (C) A board member with a conflict of interest shall:
- (1) file a conflict of interest statement with the staff liaison before a meeting begins or, if the member arrives after the meeting has begun, upon the member's arrival;
  - (2) recuse himself or herself from any discussion or deliberation on the agenda item creating the conflict of interest; and
  - (3) leave the meeting room during any discussion, deliberation, or action on the agenda item creating the conflict of interest.
- (D) A board member with a conflict of interest may not address the board or an individual member of the board on any issue relating to the agenda item creating the conflict of interest.
- (E) A board member may not address the board or an individual member of the board as an advocate for any person.
- (F) The Ethics Review Commission shall prescribe forms for this section.
- (G) 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*).

**§ 2-1-25 PUBLIC FINANCIAL STATEMENTS.**

- (A) A board member who does not file a public financial statement required by Section 2-7-72 (*Public Financial Statements*) is ineligible to serve and automatically vacates the member's position.
- (B) The city clerk shall notify the nominating council member if a board member's failure to file public financial statements creates an automatic vacancy that requires a new appointment.

**§ 2-1-26 ATTENDANCE REQUIREMENTS AND AUTOMATIC VACATION.**

- (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 12-month period.
- (B) Subsection (A) does not apply to an absence due to the board member's illness or injury if the member notifies the staff liaison of the reason for the absence not later than the date of the next regular meeting of the board.
- (C) The City department assigned to provide staff support to a board shall keep attendance records and notify the city clerk if a board member fails to comply with attendance requirements.
- (D) The city clerk shall notify the nominating council member if a board member's attendance record creates an automatic vacancy that requires a new appointment.
- (E) An automatic vacation of a board position under this section is effective on the earlier of the date a successor is appointed to fill the position or the 30<sup>th</sup> day after the notification under Subsection (D).

**Division 3. Board Requirements.**

**§ 2-1-41 BOARD AUTHORITY AND ACTION.**

- (A) Each board serves only in an advisory capacity to the city council, unless granted specific authority in Article 2 (*Boards*), another provision of the City Code, the City Charter, an ordinance, or state or federal law.
- (B) An individual board member may not act in an official capacity except through the action of a majority of the board.



- (C) A board must take action or make a recommendation to the city council not later than the 90<sup>th</sup> day after the city manager has referred an item to the board for review. If a board does not act timely as required under this subsection, the city manager may forward an item to the city council without a board recommendation.

**§ 2-1-42 OFFICERS AND COMMITTEES.**

- (A) Each board shall annually select from its membership a chair and any additional officers that the board finds appropriate.
- (B) A person may not serve as the chair of a board for more than two consecutive years.
- (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.
- (D) A meeting of a committee shall be posted under the Local Government Code Chapter 551 (*Open Meeting Act*).

**§ 2-1-43 MEETING REQUIREMENTS.**

- (A) Unless otherwise provided in this chapter, each board shall meet not less often than quarterly.
- (B) Each board shall comply with Government Code Chapter 551 (*Open Meetings Act*).
- (C) A board may not conduct a closed meeting without the approval of the city attorney.
- (D) Each board meeting agenda shall provide for citizen communication.
- (E) A board liaison shall 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.
- (F) The city clerk shall post each board meeting agenda and keep a record of postings for all board meetings.
- (G) Each board shall keep minutes of its meetings, which shall:

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

**§ 2-1-44 MEETING PROCEDURES.**

- (A) Board meetings are governed by Robert's Rules of Order and the board's bylaws.
- (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 or a rule that conflicts with Robert's Rules of Order. A bylaw or rule adoption or amendment is not effective unless approved by the Council Audit and Finance Committee.
- (C) A board meeting may not extend beyond 10:00 p.m., unless the board votes to continue.

**§ 2-1-45 FAILURE TO MEET.**

- (A) The City department assigned to provide staff support to a board shall notify the city clerk if the board fails to post notice of and conduct a meeting for a period of six months.
- (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.

**§ 2-1-46 ANNUAL REVIEW, REVIEW REPORT, AND WORK PLAN.**

- (A) The Council Audit and Finance Committee shall designate boards that are required to conduct an annual review and prepare a review report and work plan. The committee should designate the boards not later than December 31<sup>st</sup> of each year.
- (B) A designated board shall conduct an annual review and prepare a review report and work plan during the first quarter of the year following the designation.
- (C) A board should conduct an annual review during a regular board meeting by:

- (1) assessing the board's actions during the previous year to determine whether the board complied with its mission; and
  - (2) soliciting and recording comments from the public and from staff.
- (D) A board's annual review report should include:
- (1) a summary of its activities for the previous year, including:
    - (a) the board's achievements during the preceding year;
    - (b) posted agenda for each board meeting;
    - (c) approved minutes for each meeting; and
    - (d) each resolution or written recommendation directed to the city council; and
  - (2) recommendations on whether:
    - (a) the board should continue operation or be dissolved;
    - (b) the board's functions should be modified, including the transfer of a function to another board; and
    - (c) the board's bylaws should be amended.
- (E) A board's annual work plan should include:
- (1) a mission statement;
  - (2) goals and objectives for the next plan year focused on long-range, strategic issues;
  - (3) proposed activities for the next year to achieve the boards goals and objectives; and
  - (4) administrative and staff support requirements.
- (F) A board shall submit a review report and work plan to the Council Audit and Finance Committee, the city clerk, and the City department assigned to support the board.

**§ 2-1-47     DISSOLUTION.**

- (A) The council may vote to dissolve a board at any time.

- (B) A board that has been abolished by the council may continue in existence for a period not to exceed 30 days after the effective date of the council action, for the limited purpose of making recommendations to council on the conclusion of matters pending before the board.

*ARTICLE 2. BOARDS.*

**§ 2-1-101 AFRICAN AMERICAN RESOURCE ADVISORY COMMISSION.**

- (A) The African American Resource Advisory Commission should have a balanced membership reflecting in-depth knowledge of the challenges and concerns of the African American community. The city council should appoint persons who are representative of or sensitive to the needs of the African American community in the city, and may appoint persons from the community-at-large and persons who are members of:
- (1) the Austin Area Urban League;
  - (2) the Capital City African American Chamber of Commerce;
  - (3) the National Association for the Advancement of Colored People;
  - (4) the Pro Arts Collective;
  - (5) the Austin Revitalization Authority; and
  - (6) the Alliance for African American Health in Central Texas.
- (B) The city manager or designee shall serve as a non-voting, ex officio member of the commission.
- (C) The commission shall advise the city council on issues relating to the quality of life for the City's African American community and shall recommend programs designed to alleviate any inequities that may confront African Americans in social, economic, and vocational pursuits, including:
- (1) health care;
  - (2) housing, including affordable housing, home ownership, and homelessness;
  - (3) entertainment opportunities for professionals and students;
  - (4) employment; and

maximum personal independence, become gainfully employed, and use and enjoy fully all public and private facilities available within the community.

(C) The committee shall:

- (1) serve as an advisory body to the city council and city manager regarding problems affecting the persons with disabilities in the Austin area;
- (2) serve in an advisory and consultive capacity to the Human Resources Department and the city council to ensure effective compliance and enforcement of Chapter 5-6 (*Discrimination Against A Person With A Disability*);
- (3) recommend to the mayor, council members, and the city manager measures aimed at improving the ability of various city departments and contractors at providing service and employment opportunities for disabled persons;
- (4) annually evaluate the City's efforts to implement Chapter 5-6 (*Discrimination Against A Person With A Disability*);
- (5) sponsor educational programs to promote equal treatment, opportunity, and understanding and sponsor meetings, institutes, forums, and courses of instruction to lead to clearer understanding and solution of the issues and concerns of disabled persons;
- (6) assist the Human Resources Department in training city employees and contractors regarding the needs and concerns of persons with disabilities;
- (7) provide services and information to the mayor, city council, city manager and heads of all city departments and agencies to achieve the purposes of Chapter 5-6 (*Discrimination Against A Person With A Disability*);
- (8) perform additional duties and functions as required by the city council.

**§ 2-1-127 COMMUNITY DEVELOPMENT COMMISSION.**

- (A) The Community Development Commission is composed of commissioners from the seven geographic areas described in Subsection (B).
- (B) The city manager shall designate from time to time seven geographic areas of Austin having either a Health and Human Services Department neighborhood center or a Parks and Recreation Department recreation center.

- (C) The council shall assign one geographic area to each council member, and the council member shall nominate a resident of the assigned geographic area as a commissioner.
- (D) The commission shall advise the council in the development and implementation of programs designed to serve the poor and the community at large with an emphasis on federally funded programs.

**§ 2-1-128 CONSTRUCTION ADVISORY COMMITTEE.**

- (A) The Construction Advisory Committee may include members who are representatives of labor and the construction industry.
- (B) The director of the Public Works Department shall serve as committee secretary and as an ex officio committee member.
- (C) The committee shall:
  - (1) monitor the enforcement of prevailing wage scales and job classifications on municipal construction contracts;
  - (2) advise the city council and city manager regarding categories and specific projects of maintenance and construction work that should be accomplished by contract through competitive bidding processes instead of by use of City personnel and equipment;
  - (3) review the implementation of state laws, Charter provisions, ordinances, and council policies relating to the award of construction contracts and the purchase or rental of construction equipment materials and services, including advertising policies, specifications, and lease purchase agreements; and
  - (4) advise the city council and city manager on other construction matters affecting the quality, cost, and improvement of City construction programs.

**§ 2-1-129 DESIGN COMMISSION.**

- (A) The Design Commission membership should include a diverse group of persons having expertise in urban design, architecture, landscape architecture, historic preservation, civic art, real property development, construction, and economic development.

- (4) policy and budgetary recommendations to the city council relating to program implementation;
  - (5) periodic review of staff progress toward successful completion of utility programs;
  - (6) review of staff reports and studies relating to commission programs, including economic and rate impacts and environmental effects;
  - (7) review of development of program implementation strategies; and
  - (8) review of monitoring and enforcement of programs.
- (G) The commission shall promote close cooperation and open communication between the city council, other City boards, commissions and committees, City departments and individuals, and institutions and agencies concerned with the policies and procedures and operation, maintenance and construction of the Water and Wastewater Utility so that all similar activities in the City may be coordinated to secure the greatest public welfare.

**§ 2-1-187 ZONING AND PLATTING COMMISSION.**

- (A) The Zoning and Platting Commission shall perform duties relating to land use and development as prescribed by Title 25 (*Land Development*) and other duties as assigned by the city council.
- (B) The commission is abolished on June 18, 2010 unless it is continued in existence by ordinance. On abolition, its duties are transferred to the Planning Commission.

**PART 3.** Section 2-7-71 (*Definition*) of the City Code is amended to read:

**§ 2-7-71 DEFINITIONS [~~DEFINITION~~].**

In this article:

- (1) CITY OFFICIAL [~~“city official”~~] means the mayor, members of the city council and their aides, Municipal Court Judges (including Substitute Judges), city manager, Assistant city managers, city clerk, Deputy city clerks, city attorney, Deputy city attorneys, Treasurer, Comptroller, City Auditor, Purchasing Officer, the initial and subsequent commissioners of the Conventions and Visitors Commission, all department heads, deputy department heads, and where no deputy department head serves, the first principal assistant of such department, and spouses of each, and spouses of and the members of the [~~the~~] City boards and [~~and~~] commissions described

in Section 2-7-72(C) (*Reports*). [~~committees, or task forces or other bodies, unless specifically exempted from financial disclosure by the city council or hereinafter excluded.~~] City appointees to other governmental bodies may be required to file financial information statements without being deemed City officials under Section 2-7-2 (*Definitions*).

(2) SPOUSE of a City official includes a domestic partner, which means an individual who lives in the same household and shares common resources of life in a close, personal, intimate relationship with the City official if under Texas law the individual would not be prevented from marrying the City official on account of age, consanguinity, or prior undissolved marriage to another. A domestic partner may be of the same, or opposite, gender as the City official.

**PART 4.** Section 2-7-72 (*Reports*) of the City Code is amended to read as follows:

**§ 2-7-72 REPORTS.**

(A) By the last Friday of April of each year, City officials shall file with the city clerk a public statement of financial information which shall cover the previous year which is defined as January 1 through December 31. The mayor and members of the city council [~~and the following boards and commissions~~] and spouses shall also file with the city clerk an updated statement of financial information by the last Friday of July for the previous period of January through June, [~~;~~

~~(1) Board of Adjustment;~~

~~(2) Ethics Review Commission;~~

~~(3) Planning Commission and the Zoning and Platting Commission; and~~

~~(4) Water and Wastewater Commission.]~~

Such updated statement shall only include any change in a “substantial interest” or “substantial interest in real property” as defined in Section 2-7-2 (*Definitions*) since the last filed statement.

(B) [~~Any person appointed to one of the boards, commissions or committees covered by Section 2-7-71 (*Definition*), upon acceptance of such appointment, shall be required to file a letter of intention to file a financial information statement.] Any non-elective City officials covered by Section 2-7-71 (*Definition*) who are appointed or hired shall file an initial statement of financial information for the previous calendar year within 30 days of being hired or appointed. Thereafter, such person shall, within the time limits~~



provided by this article, file a statement of financial information for the full appropriate reporting period, ~~regardless of whether such appointee subsequently resigns from the board, commission or committee to which he accepted appointment. In addition, any person who was a City official at any time during a reporting period shall be required to file a statement of financial information for the full appropriate reporting period, within the time limits provided by this article.~~ However, any salaried City official who resigns or is terminated for any reason shall file with the city clerk a public statement of financial information which shall cover the current year to the date of resignation or termination on or before his last day as a salaried employee. In such event, a salaried employee shall not be required to file a public statement of financial information for the year in which the resignation or termination occurred. He shall, at that time, also file a statement of financial information for the previous year if one has not been submitted prior to the employee's termination date. ~~[Board and commission members who resign may, at their option, file any statement not yet filed for the previous year and a statement for the current year to the date of resignation, at the time of their resignation in lieu of filing at the regular times set out above.]~~

(C) The members of the following boards and commissions shall report the information required by Subsection (E) ~~[subsections (G)(1) through (G)(13)]~~:

~~[(1) Airport Zoning Board (City appointees);]~~

(1) ~~[(2)]~~ Arts Commission;

~~[(3) Austin/Travis County Appraisal District Board of Directors (City appointees);]~~

(2) ~~[(4)]~~ Board of Adjustment;

~~[(5) Building and Fire Code Board of Appeals;~~

~~(6) Building Standards Commission;~~

~~(7) Cable commission;~~

~~(8) CAPCO (City appointees);~~

~~(9) Capital Metropolitan Transit Authority Board (City appointees);~~

~~(10) Civil Service Commission;~~

~~(11) Electric Board;~~

~~(12) Ethics Review Commission;~~

(3) Environmental Board;

(4) [(13)] Historic Landmark Commission;

(5) [(14)] Housing Authority of the City of Austin;

~~[(15) Mechanical, Plumbing and Solar Board;~~

~~(16) Mental Health and Mental Retardation Center Board of Trustees;~~

~~(17) Music Commission;~~

(6) [(18)] Parks and Recreation Board;

(7) [(19)] Planning Commission;

~~[(20) Renaissance Market Commission;~~

~~(21) Solicitation Board;]~~

(8) Solid Waste Advisory Commission;

(9) [(22)] Water and Wastewater Commission;

(10) [(23)] Urban Renewal Agency [Board of Directors]; and

(11) [(24)] Zoning and Platting Commission.

~~[(D) The members of the following boards and commissions shall report only the information required by subsections (G)(8), (G)(9), and (G)(13) of this section:~~

~~(1) Community Development Commission;~~

~~(2) Construction Advisory Committee;~~

~~(3) Conventions and Visitors Commission;~~

~~(4) Downtown Commission;~~

~~(5) Economic Development Commission;~~

~~(6) Electric Utility Commission;~~

~~(7) Employees' Retirement System;~~

~~(8) Environmental Board;~~

- ~~(9) Firemen's Relief and Retirement Fund Board of Trustees;~~
- ~~(10) Brackenridge Hospital Oversight Council;~~
- ~~(11) Minority Owned and Women Owned Business Procurement Program Advisory Committee;~~
- ~~(12) Police Retirement Board;~~
- ~~(13) Resource Management Commission;~~
- ~~(14) Urban Transportation Commission; and~~
- ~~(15) All boards and commissions not otherwise listed herein or specifically exempted from disclosure by the city council.]~~

(D) ~~(E)~~ In addition to other required information, the mayor and members of the city council shall report the amount or category of information as designated in Section 2-7-73 (*Categories*), for any item reported under Subsection (E)(1), (3), (4), (6), (7), (10), (11), or (12) ~~[subsection (G)(1), (3), (4), (6), (7), (10), (11) and (12) of this section]~~.

~~(F) The members of the following boards and commissions are not required to file a public statement of financial information:~~

- ~~(1) Child Care Commission;~~
- ~~(2) Commission for Women;~~
- ~~(3) Elizabeth Ney Museum Board;~~
- ~~(4) Austin Travis County EMS Advisory Board;~~
- ~~(5) Human Rights Commission;~~
- ~~(6) Joint Commission on Metropolitan Government;~~
- ~~(7) Library Commission;~~
- ~~(8) Mayor's Committee for People With Disabilities;~~
- ~~(9) Medical Assistance Program Advisory Board;~~
- ~~(10) Urban Forestry Board; and~~
- ~~(11) Animal Advisory Commission.]~~

(E) [~~(G)~~] A City official shall include the following information by separate listing in the required statement of financial information, such information to include the source of income or assets and liabilities of their spouses but shall not require a separate report by such official's spouse:

- (1) All sources of occupational income which exceed 10 percent of the official's gross income or \$5,000 in salary, bonuses, commissions or professional fees; or \$20,000 in payment for goods, products or nonprofessional services, excluding the amount but including the name and address of the employer or source of income, and the nature of the occupation or business of each source.
- (2) If the official is a self-employed solo practitioner, or if the official owns or controls at least a five percent interest in a partnership, professional corporation or other entity through which the official does business, the official shall report the names and addresses of the clients or customers from whom the official, partnership, professional corporation, or other entity received at least 10 percent of its gross income or \$5,000 in salary, bonuses, commissions or professional fees; or \$20,000 in payment for goods, products or nonprofessional services of gross income during the reporting period.
- (3) An itemized list of all sources of income from interest, dividends, royalties, rents, trust disbursements, or other non-occupational sources, excluding the amount, but identifying the source, for each such source exceeding either 10 percent of the official's gross income or \$5,000.
- (4) The identification of any person, business entity or other organization from whom the City official reporting has received a gift or favor of any money or other thing of value in excess of \$100, or a series of gifts from the same source during the reporting period the total value of which exceeds \$100, excluding the value of the gift, but including the identification of the source. Excluded from this requirement are campaign contributions which are reported as required by state statute and gifts received from the following relatives:
  - (a) spouse;
  - (b) children;
  - (c) parents;
  - (d) grandchildren;

- (c) grandparents;
- (f) brothers;
- (g) sisters;
- (h) uncles;
- (i) aunts;
- (j) nephews;
- (k) nieces;
- (l) first cousins;
- (m) children-in-law;
- (n) parents in-law;
- (o) grandchildren-in-law;
- (p) grandparents-in-law;
- (q) brothers-in-law;
- (r) sisters-in-law;
- (s) uncles-in-law;
- (t) aunts-in-law;
- (u) nephews-in-law;
- (v) nieces-in-law; and
- (w) first cousins-in-law.

- (5) The name of any corporation, partnership, limited partnership, or other entity in which the official held, owned, acquired, or sold stock or other equity ownership having a value exceeding \$5,000 or equivalent to five percent or more of the stock or equity in the entity.
- (6) A description, excluding the face amount, of all bonds, notes and other commercial paper which the official held, owned, acquired, or sold at any time during the reporting period if the combined face value of the bond, notes and commercial paper exceeds \$5,000.

- (7) Any other income or revenue of the official in excess of \$5,000, including a description of sources, but excluding amounts.
- (8) An itemized list of all real property in which the official holds any legal or beneficial interest, including real property for which the official has entered into a contract for sale, and including a description sufficient to locate the property, stating the state address, if any, and the present use of the property.
- (9) An itemized list of all real property held, owned, acquired, sold or under contract for sale by a corporation, partnership, limited partnership, professional corporation, or other entity in which the official owns or controls at least a five percent interest, including a description sufficient to locate the property, stating the street address, if any, and the present use of the property.
- (10) All loans and extensions of credit exceeding \$5,000 on which the official is lender or creditor, excluding the amount of the loan or extension of credit but including the name of the debtor and the rate of interest, if any.
- (11) All loans or transactions exceeding \$5,000 on which the official is a guarantor or co-signor, excluding the amount of the loan or guarantee, but including the names of the borrower and lender.
- (12) All loans to, debts of, and other financial liabilities of the official which are in excess of \$5,000 and all loans to, debts of and other financial liabilities of any corporation, partnership, limited partnership, professional corporation or other entity in which the official owns or controls at least five percent interest, which liabilities exceed \$5,000. For all debts, loans and liabilities presently outstanding or which existed at any time during the reporting period, the official shall state when the liability was incurred, the rate of interest being charged, if any, and the name of the lender, creditor or obligee, but not the amount of the liability.
- (13) All boards of directors of which the official is a member and the offices or executive positions which the official holds in corporations, partnerships, limited partnerships, professional corporations or other entities, including non-business entities, stating for each the name of the entity and the position held. There shall be excluded from this item positions on corporations or other entities owned by the City or created by the city council.

(F) [(H)] If, during a reporting period, the mayor or member of the city council has accepted the offer of any trip or excursion from a person or entity other than the

City, then he shall report the following to the city clerk before embarking on such a trip or excursion:

- (1) the name of the sponsor;
- (2) the place or places to be visited;
- (3) the purpose of such a trip or excursion; and
- (4) the date and duration of any such trip or excursion.

Within 15 days of return from such a trip or excursion, the mayor or Councilmember shall report to the city clerk the approximate value of such a trip or excursion.

(G) [~~H~~] If any City official or City employee has accepted any item by way of gift or loan on behalf of the City, such gift or loan must be promptly reported to the city manager or his designee who shall have the gift or loan inventoried as City property in the case of a gift, or as a loan to the City in the case of a loan.

**PART 5.** This part applies to a board that is subject to Chapter 2-1 (*City Boards*), as adopted by this ordinance.

(A) Unless otherwise provided in Chapter 2-1 (*City Boards*), the council shall assign each board member a position that corresponds to a council position or the mayor's position. If a board currently has more than the number of positions authorized by Chapter 2-1 (*City Boards*), the council shall designate the additional positions as "excess positions".

- (1) All vacant excess positions are eliminated as of December 10, 2007.
- (2) All other excess positions are eliminated on July 31, 2008.
- (3) A member who holds an excess position and whose term expires or has expired may continue to hold the position until July 31, 2008.
- (4) During a time period when a board has excess positions, the quorum shall be a majority of the regular positions and the excess positions. For example, the quorum for an eight or nine position board is five, and the quorum for a 10 or 11 position board is six.

(B) The term for a regular board member's position expires on July 31<sup>st</sup> of the year of the general election for the corresponding council position or the mayor's position, as applicable.

**PART 6.** This part applies to a board member serving on December 10, 2007.

- (A) A serving or carry-over board member shall complete the training described in Section 2-1-23 (*Training*) not later than April 8, 2008.
- (B) A board member who fails to complete the required training automatically vacates his or her position and is not eligible for reappointment until the member completes the required training.
- (C) The city clerk shall notify the nominating council member if a board member's training record creates an automatic vacancy that requires a new appointment.

**PART 7.** The boards, commissions, and other advisory bodies that existed before the repeal and replacement of Chapter 2-1 by this ordinance are continued in existence.

**PART 8.** Each board shall adopt the City's standard board bylaws not later than January 23, 2008. Each board shall elect interim officers at the first regular meeting after the bylaws are adopted, and the interim officers shall serve until the first annual election prescribed in the bylaws.

**PART 9.** In amending Section 2-7-72 (*Reports*), the council selected for financial reporting the members of boards that deal with land development, city contracts, grants, or housing contracts. When a new board is created, this standard should be applied to determine whether the new board members will be required to file financial reports.

**PART 10.** The council previously granted a lifetime appointment to Beverly Larkam as an emeritus member of the Commission For Women. The emeritus member may continue to serve as an eighth board member and may vote on any matter considered by the commission.

**PART 11.** Sections 2-8-22, 2-8-23, and 2-10-35 of the City Code are repealed.



**PART 12.** This ordinance takes effect on December 10, 2007.

**PASSED AND APPROVED**

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November 29, 2007

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\_\_\_\_\_  
*Will Wynn*  
Will Wynn  
Mayor

**APPROVED:**

\_\_\_\_\_  
*David Allan Smith*  
David Allan Smith  
City Attorney

**ATTEST:**

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