

Date: July 17, 2013
To: Members, Independent Citizens Redistricting Commission (ICRC)
From: John Steiner & Sabine Romero, Assistant City Attorneys
Cc: JJ Gutierrez, Staff Liaison
Re: Legal Q&A from July 10, 2013 ICRC Meeting

The ICRC poses the following questions regarding subcommittees and ICRC action.

Of course, the ICRC maintains independence in its considerations and decision making.

1. Are all commissioners required to attend each hearing, or can the commissioners split up and attend certain hearings in order to reduce the total duration it takes to hold the required number of hearings?

Not all commissioners must attend each meeting. Only a quorum of nine need attend each meeting to constitute a Commission meeting. City Charter, Article II Sec. 3(D)(3).

The Charter appears to anticipate that the full commission (that is, at least a quorum) will hold the prescribed hearings “to receive public input before *the commission* votes.” City Charter, Article II, Sec. 3(K)(7). (Emphasis added.) See also City Charter, Sec. 3(I)(10): “Once constituted, *the commission* shall conduct hearings and adopt a plan for the boundaries of the city’s council districts as required by the charter of the City of Austin.” (Emphasis added.)

2. If a subcommittee of the Commission is formed, is the subcommittee allowed to meet and work on tasks without these meetings being public meetings?

No, committees are not allowed to meet and work on tasks outside of a public meeting.

The Charter states at Article II, Sec. 3(K)(1) “the commission shall comply with all state and city requirements for open meetings.” The City Charter states at Article II, Sec. 3(C)(1) that the commission shall conduct an open and transparent process. Under state law it has been held that the Open Meetings Act requires committees whose recommendations may be “rubber stamped” by the full body to comply with the Open Meetings Act. See Tex. Att’y Gen. Op. No. JC-60 (1999) and authorities cited therein; *Willmann v. City of San Antonio*, 123 S.W.3d 469 (Tex. App. – San Antonio 2003, pet. denied).

3. Are the dates in the charter set in stone, or will the dates shift because of the change in the timing for the election? If the dates have shifted, what is an acceptable set of new dates?

No, the dates in the charter are not set in stone. The Charter states at Art. II, Sec. 3(B), “If the date of the city election is moved, then the dates in this article shall be adjusted to ensure the commission has sufficient time to draw the lines prior to the election date.” The date of the city election has been moved from May to November. City Charter, Art. III, Sec. 2(A).

Important dates to consider are

- May 8, 2014, the City’s date at which campaign fundraising may begin (180th day before Election Day) City Charter, Art. III, Sec. 8(F)(2).
- July 19, 2014, the first day to file for a place on the ballot (30th day before filing deadline; though this date falls on a Saturday, the law does not require the City Clerk to hold weekend office hours to receive applications) Election Code, Sec. 143.007(a).

- August 18, 2014, the last day to file for a place on the ballot (78th day before Election Day) Election Code, Sec. 143.007(c)(1).

Other considerations include allowing time for voters, potential candidates, and election officials to become educated about and familiar with the new districts, and to make plans in accordance with the new districts.