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Austin City Code

[CHARTER.](#)[ARTICLE II. THE COUNCIL.](#)

## ARTICLE II. THE COUNCIL.

### § 1. NUMBER, SELECTION AND TERM OF OFFICE.

The council shall be composed of seven (7) councilmembers who, unless sooner removed under the provisions of this Charter, shall hold their offices for a term of three (3) years beginning on a date established by council by ordinance not later than eight (8) weeks after the date of an election for mayor or a councilmember or until their successors have been elected and duly qualified. The councilmembers shall be elected from the city at large, and each [councilmember] shall be elected to and occupy a place on the council, such places being numbered and designated 1, 2, 3, 4, 5, 6 and mayor. The mayor and the councilmembers serving in Place 2, Place 5, and Place 6 shall be elected in 2006 and every three years thereafter. The councilmembers serving in Place 1, Place 3, and Place 4 shall be elected in 2008 and every three years thereafter.

#### ***Amendment note:***

*Section 1 appears as amended at the election of May 13, 2006. This section had previously been amended at the elections of April 1, 1967, April 5, 1969, and January 19, 1985.*

### § 2. QUALIFICATIONS.

A councilmember shall be eighteen (18) years of age or older on the commencement of his or her term, shall have resided within the city for at least six (6) months and within the State of Texas for at least twelve (12) months next preceding the last day he or she could deliver a ballot application to the city clerk and shall be a qualified voter of the State of Texas. A member of the council ceasing to reside in the city during the term for which he or she is elected shall immediately forfeit his or her office.

#### ***Amendment note:***

*Section 2 appears as amended at the election of April 1, 1978.*

### § 3. TERM LIMITS.

(A) Except as provided in Subsection (C), a person may not be elected to or serve in the office of Mayor for more than three consecutive terms, and a person who has held the office of Mayor for more than two years of a term to which some other person was elected Mayor may not be elected to the office of Mayor more than twice [in] succession.

(B) Except as provided in Subsection (C), a person may not shall be elected to or serve on the City Council in a position other than Mayor for more than three consecutive terms, and a person who has held a position other than Mayor for more than two years of a term to which some other person was elected to the position may not be elected to a position other than Mayor more than twice in succession.

(C) A person subject to a term limit with respect to an office may become a

candidate for the office and serve if elected if the person's application to be a candidate for the office is accompanied by a petition requesting that the person be authorized to be a candidate and the petition is signed by at least five per cent of the qualified voters of the territory from which the office is elected.

(D) A person who was first elected to the office of Mayor before April 30, 2006, is subject to the provisions of this section with respect to the office of Mayor as this section read on that date. A person who was first elected to a position on the City Council other than the office of Mayor before April 30, 2006, is subject to the provisions of this section with respect to a position other than the office [of] Mayor as this section read on that date. This subsection expires on the date that no one subject to its provisions still serves in the office of Mayor or Councilmember, and need not be reprinted after that date.

***Amendment note:***

*Section 3 appears as amended at the election of May 13, 2006. This section was added at the election of May 7, 1994.*

**§ 4. VACANCIES.**

Where a vacancy in any place on the council shall occur, the vacant place shall be filled by a special election, and, where necessary, by a run-off election, in the same manner as provided in this Charter for the regular election of a councilmember. Such special election shall be held on the next available state uniform election date following the creation of the vacancy, and the run-off election shall be held according to state law following the preceding election; provided, however, that where a vacancy shall occur within ninety (90) days of a regular election, no special election to fill the vacancy shall be called, unless more than one vacancy occurs.

***Amendment note:***

*Section 4 appears as amended at the election of May 7, 1994.*

**§ 5. POWERS OF THE COUNCIL.**

All powers and authority which are expressly or impliedly conferred on or possessed by the city shall be vested in and exercised by the council; provided, however, that the council shall have no power to, and shall not:

(a) Sell, convey, lease, mortgage, or otherwise alienate any land which is now, or shall hereafter be, dedicated for park purposes, unless the qualified voters of the city shall authorize such act by adopting in a general or special election a proposition submitting the question and setting forth the terms and conditions under which such sale, conveyance, lease, mortgage, or other alienation is to be made.

(b) Sell, convey, or lease all or any substantial part of the facilities of any municipally owned public utility, provided that the council may lease all or a substantial part of such facilities to any public agency of the State of Texas if the qualified voters of the city authorize such lease by adopting in a general or special election a proposition submitting the question and setting forth the terms and conditions under which such lease is to be made.

(c) Accept or admit liability in, or pay any claim for damages asserted against the city without first obtaining a written opinion from the city attorney regarding

the city's liability therein.

**§ 6. INVESTIGATIVE BODY.**

The council shall have the express power to inquire into the official conduct of any department, agency, office, officer or employee of the city, and for that purpose shall have the power to administer oaths, subpoena witnesses, compel the production of books, papers, and other evidence material to the inquiry. The council shall provide by ordinance penalties for contempt in failing or refusing to obey any such subpoena or to produce any such books, papers or other evidence, and shall have the power to punish any such contempt in the manner provided by such ordinance.

**§ 7. INTERFERENCE IN PERSONNEL MATTERS.**

Neither the council nor any of its members shall instruct or request the city manager or any of his or her subordinates to appoint to or remove from office or employment any person except with respect to those offices which are to be filled by appointment by the council under the provisions of this Charter. Except for the purpose of inquiry and investigation, the council and its members shall deal with the administrative service of the city solely through the city manager and shall not give orders to any of the manager's subordinates either publicly or privately.

**§ 8. MAYOR AND MAYOR PRO TEM.**

The councilmember elected to and occupying the place designated "mayor" shall be the mayor of the City of Austin. At its first meeting following each regular election of councilmembers, the council shall, by election, designate one of its number as mayor pro tem, who shall serve in such capacity during the pleasure of the council. The mayor shall preside at all meetings of the council and shall be recognized as head of the city government for all ceremonial purposes, for the purpose of receiving service of civil process, and for military purposes, but he or she shall have no regular administrative duties. The mayor, as a member of the council, shall be entitled to vote upon all matters considered by the council, but shall have no veto power. The mayor pro tem shall act as mayor during the absence or disability of the mayor, and shall have power to perform every act the mayor could perform if present.

***Amendment note:***

*Section 8 appears as amended at the election of April 5, 1969.*

**§ 9. CITY CLERK.**

The council shall appoint the city clerk, and assistants, who shall serve at the pleasure of the council. The city clerk shall keep the records of the council, and shall have such other duties and responsibilities as may be assigned by this Charter and the council.

***Amendment note:***

*Section 9 appears as amended at the election of April 7, 1973.*

**§ 10. MEETINGS OF THE COUNCIL.**

The council shall meet in regular session at the City Hall at least once each week at such time as may be prescribed by ordinance, unless otherwise ordered by the council for reasons to be spread upon the minutes. Special meetings of the

council shall be called by the city clerk upon written request of the mayor or two (2) members of the council. All meetings shall be open to the public except as may be authorized by the laws of the State of Texas.

***Amendment note:***

*Section 10 appears as amended at the election of April 7, 1973.*

**§ 11. RULES OF PROCEDURE.**

The council shall by ordinance determine its own rules and order of business. Four (4) or more councilmembers shall constitute a quorum, but no action of the council shall be of any force or effect unless it is adopted by the favorable votes of four (4) or more of the councilmembers. Minutes of all meetings of the council shall be taken and recorded, and such minutes shall constitute a public record.

***Amendment note:***

*Section 11 appears as amended at the election of April 1, 1967.*

**§ 12. PROCEDURE TO ENACT LEGISLATION.**

The council shall legislate by ordinance only, and the enacting clause of every ordinance shall be, "BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF AUSTIN." Before any ordinance shall be adopted, the city attorney shall approve such ordinance in writing or shall file with the city clerk his or her written legal objections thereto. Every ordinance enacted by the council shall be signed by the mayor, mayor pro tem, or by two (2) councilmembers, and shall be filed with and recorded by the city clerk before the same shall become effective. Unless otherwise provided by law or this Charter, no ordinance shall become effective until the expiration of ten (10) days following the date of its final passage, except where an ordinance relating to the immediate preservation of the public peace, health or safety, is adopted as an emergency measure by the favorable votes of five (5) or more of the councilmembers and contains a statement of the nature of the emergency.

***Amendment note:***

*Section 12 appears as amended at the election of April 1, 1967.*

**§ 13. PUBLICATION OF ORDINANCE.**

Except as otherwise provided by law or this Charter, the city clerk shall give notice of the enactment of every penal ordinance and of every other ordinance required by law or this Charter to be published, by causing the descriptive title or caption of the same to be published at least one time after final passage thereof in some newspaper of general circulation in the city before the ordinance is effective. The city clerk shall note on every ordinance and on the record thereof the dates and medium of its publication, and such notation shall be prima facie evidence of compliance with the requirements of this section.

***Amendment note:***

*Section 13 appears as amended at the election of May 7, 1994.*

**§ 14. CODE OF ORDINANCES.**

Within six (6) months after the effective date of this section, the council shall cause all general ordinances of the city to be compiled and printed in code form. For the purpose of this section general ordinances shall be deemed to be those

ordinances of a permanent or continuing nature which affect the residents of the city at large. Every general ordinance enacted subsequent to the original codification required above shall be enacted as an amendment to the code. After the original codification, the council shall have the power to cause all general ordinances to be recodified and reprinted whenever in its discretion such is deemed desirable, and it shall be mandatory upon the council to cause all general ordinances to be recodified and reprinted before the expiration of any ten (10) consecutive years following the last preceding codification or recodification. When adopted by the council, the printed codes of general ordinances contemplated by this section shall be in full force and effect without the necessity of such codes or any part thereof being published in any newspaper.

**§ 15. PROOF OF ORDINANCE.**

An ordinance of the City of Austin may be proved prima facie by a printed code of ordinances purporting to be printed by authority of the city, or by a copy of the ordinance certified by the city clerk to be a true copy of the same, or by the city clerk's official record thereof.

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