

#24
CASAR

Late Backup

ORDINANCE NO.

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 is [~~has been reviewed by a council committee, or the item has been~~] sponsored by four council members; or

(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:

34 (1) electronically publish a draft of the agenda on the City Web site not later than the
35 ninth day before the regularly scheduled council meeting and supplement the
36 initial posting with additional items that have been added;

37 (2) provide electronic mail notification of the electronic posting of the draft agenda
38 to any citizen who requests notification by the established electronic notification
39 system;

40 (3) include as much back-up information for each draft agenda item as is available at
41 the time of the initial electronic posting and supplement the initial posting with
42 additional back-up information as it becomes available; and

43 (4) label each draft agenda "Draft Agenda for Council Meeting" and indicate the date
44 on which each draft agenda is first electronically published and the date on which
45 each back-up item for each item is added to the draft agenda.

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

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

52 ~~(2) The council member, the city clerk, the city auditor, the clerk of the municipal~~
53 ~~court, the municipal judge, or board chair must submit the proposed item to the~~
54 ~~city clerk who shall provide a copy of the proposal to the mayor and city~~
55 ~~manager. The council member's proposal may include a preferred committee~~
56 ~~for assignment by the mayor.~~

57 ~~(3) The mayor shall, no later than the fifth working day after the date the mayor~~
58 ~~receives the proposal, or as soon thereafter as practicable, assign the item to a~~
59 ~~council standing committee. The mayor shall consider the proposing council~~
60 ~~member's preferred committee, if any. The mayor may assign an item to more~~
61 ~~than one committee. If an item is assigned to more than one committee, the~~
62 ~~mayor may ask the committee chairs to coordinate the committees' review and~~
63 ~~to consider the item either jointly or sequentially.~~

64 ~~(4) When the mayor has selected the appropriate committee, the city manager shall~~
65 ~~promptly provide the written proposal to the committee's staff liaison.~~

66 ~~(a) The liaison shall promptly submit the proposed item to the city~~
67 ~~attorney, the chief financial officer, and the appropriate City~~
68 ~~department director for review.~~

*Moved
to Council
Committee
Section*

69 ~~(b) The city attorney, the chief financial officer, and the department~~
70 ~~director shall respond with comments not later than the fifth business~~
71 ~~day after receiving the proposal from the staff liaison. The city~~
72 ~~attorney's response should include a proposed posting for the item.~~

73 ~~(c) The committee's staff liaison shall consult with the proposing council~~
74 ~~member, the city clerk, the city auditor, the clerk of the municipal~~
75 ~~court, the municipal judge, or board chair and make any revision to~~
76 ~~the proposed item that the proposing member, the city clerk, the city~~
77 ~~auditor, the clerk of the municipal court, the municipal judge, or~~
78 ~~board chair requires. A substantive change must be reviewed by the~~
79 ~~city attorney and the chief financial officer.~~

80 ~~(d) After the proposing member, the city clerk, the city auditor, the clerk~~
81 ~~of the municipal court, the municipal judge, or board chair has~~
82 ~~approved the item the committee's staff liaison shall work with the~~
83 ~~committee chair to place the item on the next available committee~~
84 ~~agenda, which shall be no later than the thirtieth working day after~~
85 ~~the date the item was assigned to the committee, or as soon thereafter~~
86 ~~as it is practicable to meet the posting requirement.~~

87 ~~(5) The item shall be considered by the committee and sent for consideration to the~~
88 ~~full council as provided by Section 2-5-108 (Committee Actions).]~~

89 (D) ~~[(E)]~~ Four ~~[If four]~~ council members may ~~[wish to bypass the committee process~~
90 ~~and]~~ place an item directly on the council agenda:

91 (a) The council members should submit items for inclusion on an agenda
92 not later than the sixth business day in advance of the council
93 meeting.

94 (b) If an item is submitted later than the time prescribed by this section,
95 a sponsor of the item shall certify that the item is time sensitive
96 because it is immediately critical to the interests of the City. The
97 certification shall be on a form provided by the city manager.

98 (c) An item submitted for inclusion on the agenda should include
99 posting language and a resolution, ordinance, agreement, City board
100 report, written and oral public testimony, and other supplemental
101 information.

102 (E) ~~[(F)]~~ A council member may place an item on a work session agenda for the
103 purposes of:

104 (1) discussion and identifying three other council members who wish to place the
105 item directly on a council agenda; or

106 (2) discussion and identifying three other council members who wish to open the
107 item for public comment at a council meeting.

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

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

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

113 **§ 2-5-104 Staff Support.**

114 (A) The city manager and city clerk shall provide appropriate staff support to each
115 council committee.

116 (B) The city manager and city clerk shall each appoint a staff liaison for each
117 committee to assist the ~~committee~~ [chair]: *the chair with consent of the*
committee as is appropriate

118 (1) organizing meeting times and places;

119 (2) preparing and posting the agenda; *to include the identification of items that*
we discuss separately

120 (3) preparing the minutes and any other documents created by the committee; and

121 (4) preparing data to be presented to the committee, including:

122 (a) public involvement and comment received to date;

123 (b) fiscal effects, including:

124 (i) capital requirements; and

125 (ii) ongoing operational expenses, such as, for example, staffing
126 requirements, for the current and future budget years;

127 (c) legal analysis; and

128 (d) any other information requested by a committee member, provided
129 that, if an information request by a committee member will take
130 substantial time or resources, the request must be approved by a vote
131 of the committee.

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

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

137 **§ 2-5-105 Committee Meetings.**

138 (A) The agenda and the back-up materials for a council committee meeting must be
139 posted and open to the public in the same manner as a meeting of the full council
140 for the committee to take action, receive ~~[live]~~ public comment, or meet as a
141 committee with another person who is not a council member or the mayor.

142 (B) Except as otherwise provided, three members of a committee are a quorum. The
143 favorable votes of a majority of the quorum present at the meeting are required for
144 a committee to take action.

145 (C) A member of the council may attend a meeting of any committee and participate in
146 the deliberation, however only a member of the committee may vote and contribute
147 to the formation of a quorum for a committee meeting.

148 ~~(D) At the committee chair's direction, the staff liaison shall notify a council member~~
149 ~~when a matter directly affecting property in that council member's district is on the~~
150 ~~committee's agenda.~~ *strike per CM Houston (Accepted)*

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

153 ~~(1) set the time and place of each meeting of the committee;~~
provisional Chair

154 ~~(2) prepare the agenda for each meeting;~~
OK

155 ~~(3) prepare the minutes; and~~

156 ~~(4) prepare the final committee report which shall include any reports,~~
157 ~~resolutions, and other documents created by the committee, any reports from~~
158 ~~City boards, public written and oral testimony, minutes, and transcripts or~~
159 ~~video or audio recordings of proceedings].~~

160 ~~(F) The chair of a committee may allow the chair of a City board to participate in the~~
161 ~~deliberation of an item.~~ *provide context & or history regarding an*
item which was reviewed by that City Bd.

162 (G) The vice chair of a committee shall perform the duties of the chair in the chair's
163 absence.

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

165 § 2-5-106 **Committee Agendas.**

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

providing that a chair must afford a reasonable setting for an item qualified
175 ~~(1) as assigned by the mayor under Section 2-5-26(D);~~ *under 2-5-106.*

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

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

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

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

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

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

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

190 (3) The mayor shall, no later than the fifth working day after the date the mayor
191 receives the proposal, or as soon thereafter as practicable, assign the item to a
192 council standing committee. The mayor may assign an item to more than one
193 committee. If an item is assigned to more than one committee, the mayor may ask
194 the committee chairs to coordinate the committees' review and to consider the
195 item either jointly or sequentially.

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

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

218 **§ 2-5-108 Committee Actions.**

- 219 (A) A committee's vote is only advisory to the full council.
- 220 (B) A council committee may place an item on a council agenda by an affirmative vote
221 of the number of members necessary for a quorum of the committee. A committee
222 may take one of the following actions on an agenda item that may [~~is intended to~~]
223 be placed on a future council agenda:
- 224 (1) recommend the item [~~send the item to the council with a recommendation~~];
- 225 (2) make no [~~send the item to the council without a~~] recommendation on the item;
- 226 (3) recommend against the item;
- 227 (4) [~~3~~] hold the item for further committee review; or

