

**ORDINANCE NO.**

**AN ORDINANCE AMENDING CHAPTER 1-2 OF THE CITY CODE RELATING TO ADOPTION OF RULES.**

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

**PART 1.** Subsection (A) of City Code Section 1-2-2 (*Posted Notices; Duties of the City Clerk*) is amended to read as follows:

- (A) The city clerk shall post notices that are required to be posted by this chapter on the City website [~~bulletin board~~] used for notice of public meetings, and shall record on the notice the date and time that the notice was posted.

**PART 2.** City Code Section 1-2-3 (*Notice by Mail*) is amended to read as follows:

**§ 1-2-3 NOTICE BY MAIL.**

- (A) The department shall mail a copy of a notice posted under this chapter to a person if the person[~~;~~

~~(1)] makes a written request to the department to be notified. [~~and~~~~

~~(2) pays the fee established by ordinance for the notice.]~~

- (B) Unless a person requests notice by the United States Postal Service mail, the department will provide notice by e-mail. [Notice under this section shall be mailed not later than the sixth day after the date the notice is required to be posted.]

- (C) If a person requests notice by the United States Postal Service mail, the person shall pay a fee established by separate ordinance for the notice.

- (D) The department shall mail notice under Subsection (B) not later than the sixth day after the date the notice is required to be posted.

**PART 3.** City Code Section 1-2-4(B) (*Notice of Proposed Rule*) is amended to read as follows:

- (B) A department proposing a rule for adoption must file with the city clerk a notice, signed by the director of the department proposing the rule. The notice must include:

- 1 (1) the text of the proposed rule, indicating changes from the current text, if any,  
2 or a statement that the text is available from the department for public  
3 inspection or copying, and the manner and cost of obtaining a copy;
- 4 (2) a brief explanation of the rule, or a statement that the explanation of the rule  
5 is available from the department for public inspection or copying, and the  
6 manner and cost of obtaining a copy;
- 7 (3) an explanation of the authority under which the rule is proposed for  
8 adoption, and a certification that the rule was reviewed by the city attorney  
9 and found to be within the department's authority to adopt; and
- 10 (4) a request for comments on the rule from the public, listing the name, e-mail  
11 address, and telephone number of the person to whom comments should be  
12 submitted and the last date by which comments may be submitted.

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14 **PART 4.** Subsection (B) of City Code Section 1-2-8 (*Notice of Rule Adoption*) is  
15 amended to read as follows:

- 16 (B) The city clerk shall post the notice of rule adoption on the City website used for  
17 notice of public meetings.

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19 **PART 5.** City Code Section 1-2-9 (*Failure to Adopt a Rule*) is amended to read as  
20 follows:

21 **§ 1-2-9 - FAILURE TO ADOPT A RULE.**

22 If a proposed rule is not adopted in accordance with Section 1-2-7 (*Adoption Of A*  
23 *Rule*) on or before the 70<sup>th</sup> [~~90<sup>th</sup>~~] day after notice of the proposed rule was posted by the  
24 city clerk, the rule may not be adopted until a new notice and comment period is provided  
25 in accordance with Sections 1-2-4 (*Notice Of Proposed Rule*) and 1-2-5 (*Period For*  
26 *Comments*).

27  
28 **PART 6.** Subsection (A) of City Code Section 1-2-10 (*Appeal of Adopted Rule to City*  
29 *Manager*) is amended to read as follows:

- 30 (A) A person may appeal the adoption of a rule to the city manager by filing with  
31 the city clerk a written statement that:
- 32 (1) states the name, mailing address, e-mail address, and telephone number of  
33 the person appealing the rule;
  - 34 (2) identifies each rule being appealed; and
  - 35 (3) states the specific reason why the rule should be modified or withdrawn.

