

ORDINANCE NO. 20240530-171

AN ORDINANCE ADOPTING RULES AND PROCEDURES FOR CITY COUNCIL MEETINGS, PUBLIC HEARINGS, AND APPEALS.

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

PART 1. FINDINGS:

- (1) Democracy is best served by participation of people in their government.
- (2) Council has the dual goals of conducting government business in an orderly and efficient manner and providing the opportunity for members of the public to voice their opinions on matters of public concern.
- (3) The Texas Open Meetings Act provides that a governmental body may adopt reasonable rules regarding the public addressing the body, including rules related to the total amount of time that a member of the public may address the body on a given item.
- (4) The fair and impartial administration of these Rules and Procedures will assist council in finding the appropriate balance between maximizing public participation and ensuring the efficient conduct of the people's business.

PART 2. PROCEDURAL DIRECTIVES.

These procedures are directory only, and a violation of any of the provisions of this ordinance does not affect the validity or legality of any council action otherwise properly adopted.

PART 3. RULES OF ORDER.

- (A) Except in the case of a conflict with these procedures, the City Code, the City Charter, or state law, council meetings should be conducted under Robert's Rules of Order.
- (B) Each person and council member attending a council meeting should observe decorum. A person or council member should not speak out of turn, use disparaging or abusive language, or make threats of violence against any other person during a council meeting.
- (C) The presiding officer:
 - (1) should maintain order;

- (2) should exercise the officer's authority impartially; and
- (3) may shorten a person's speaking time or ban a person from speaking for the duration of a meeting for a violation of decorum.
- (D) The presiding officer should rule out of order any council member breaching decorum. A council member ruled out of order may call for a vote of the council to sustain or overrule the presiding officer.

PART 4. THURSDAY COUNCIL MEETING.

- (A) The council shall meet on Thursdays to discuss, consider, and possibly take action on city business, in compliance with a meeting schedule adopted by council no later than the final meeting of each calendar year; council may later amend the meeting schedule.
- (B) The presiding officer should call the council meeting to order at the time posted. The council may meet in executive session after the meeting is convened.
- (C) An item or hearing set for council to consider at a time certain may not be considered or heard before the time indicated, but may be considered or heard at a later time.
- (D) The council should conduct general public communication as described in Part 9 at noon or as close to noon as possible.
- (E) The presiding officer should adjourn a council meeting by 10:00 p.m. However, if council is considering a matter at 10:00 p.m., council may proceed with consideration of the matter. At the conclusion of the matter, council may vote to continue the council meeting. The presiding officer may recess a council meeting that continues past 12:00 midnight and may reconvene the meeting at a time certain during the same day.
- (F) Not more than two briefings may be placed on a council meeting agenda.

PART 5. SETTING THE AGENDA FOR THURSDAY COUNCIL MEETING.

- (A) The city manager shall compile the agenda for each council meeting; each item must be accompanied by back-up material as needed to provide the council with a full explanation of the item.
- (B) The city manager may provide electronic mail notification of the posting of the agenda to any person who requests notification by the established electronic notification system.

(C) Four council members may place an item on the council agenda:

- (1) The council members should submit items for inclusion on an agenda not later than the second business day before the council agenda is posted.
- (2) If an item is submitted later than the time prescribed by this section, a sponsor of the item should certify that the item is time sensitive because it is immediately critical to the interests of the city.
- (3) An item submitted for inclusion on the agenda should include posting language and a resolution, ordinance, agreement, city board report, written and oral public testimony, and other supplemental information.

(D) The city manager shall publish the agenda 13 days prior to the meeting.

PART 6. CONSENT AGENDA DURING THURSDAY COUNCIL MEETING.

(A) The council may adopt items by consent of the council without a separate vote on each item, as the consent agenda.

(B) The council may not adopt by consent an item:

- (1) subject to a public hearing;
- (2) posted on the agenda for consideration at a specific time;
- (3) that a council member requests be pulled from the agenda for discussion; or
- (4) that a standing committee of the council voted to refer to council.

PART 7. PUBLIC PARTICIPATION AT THURSDAY COUNCIL MEETINGS.

(A) The right of a person to speak to the council, as regulated by these procedures, the City Code, the City Charter, and state or federal law, may not be abridged.

(B) Prior to or at the start of each meeting, the presiding officer shall announce the amount of time allotted to speakers per item, but at no time will the speaking time be reduced to less than two minutes per agenda item.

(C) A person who is physically present in the council meeting and who has registered to speak in accordance with Part 8 may donate speaking time on an agenda item to another in-person speaker.

(D) A speaker may not use the donated time of more than two other in-person registered speakers on an agenda item or at a public hearing.

- (E) If an item is being considered for postponement, a person registered to speak on the item may only discuss the merits of the postponement.

PART 8. SPEAKER REGISTRATION ON AGENDA ITEMS FOR THURSDAY COUNCIL MEETING.

- (A) A person who intends to speak at a council meeting on an agenda item or at a public hearing shall register in one of two ways:
 - (1) Remote and In-Person Speakers: The public may register via the online form on the City's website at any time after 10:00 a.m. on the Monday preceding the council meeting until 12:00 p.m. the Wednesday preceding the council meeting.
 - (2) In-Person Speakers only: The person may register via the City Hall kiosks during business hours, starting shortly after 12:00 p.m. on the Wednesday preceding a council meeting, and until 45 minutes before the meeting is scheduled to begin.
- (B) A person not wishing to speak may register as for, neutral, or against a specific item.
- (C) A person may not register to speak on an item posted as a briefing or an executive session.

PART 9. GENERAL PUBLIC COMMUNICATION ON NON-AGENDA ITEMS DURING THURSDAY COUNCIL MEETING.

- (A) As close to noon as possible on a Thursday council meeting, during the "general public communication" portion of the meeting, a maximum of 10 people may address the council on items not listed on the agenda.
- (B) An individual who signs up to speak during general public communication will have three minutes to speak to council and must be physically present or participating via telephone in order to speak. Donation of time is not allowed for the general public communication on non-agenda items.
- (C) A person who intends to speak during general public communication must register between 9:00 a.m. on the 21st day before the council meeting at which the person intends to speak and 4:30 p.m. on the 14th day before the council meeting at which the person intends to speak, via the online form on the City's website, by telephone, or in person.

- (D) The city clerk may not accept more than 10 registrations under this section for general public communications at a council meeting. The city clerk may not register a person to speak at general public communication more frequently than once out of every three regularly scheduled council meetings.

PART 10. WORK SESSION MEETINGS.

- (A) A work session may be held each Tuesday of a week in which a regular Thursday council meeting is scheduled and should begin at 9:00 a.m.
- (B) The council may not vote on a work session agenda item that is on the Thursday agenda.

PART 11. WORK SESSION AGENDA.

- (A) The work session agenda should include:

- (1) Review of Thursday agenda items.

- (a) Preselected agenda item.

- (i) A preselected agenda item is an item from the Thursday agenda that a council member has selected for discussion and for which staff input is requested. Staff members will be present for the discussion.
- (ii) Council members should submit preselected agenda items to the agenda office by 4:00 p.m. on the Monday before the work session.
- (iii) Council may discuss an item from the Thursday agenda that is not preselected.

- (b) Council discussion item. A council discussion item is an item from the Thursday agenda that a council member identifies as an item solely for discussion among council members.

- (2) Council Item of Interest.

- (a) A council item of interest is an item that is not on the Thursday council agenda.

- (b) A council item of interest may be placed on the agenda by the Mayor or a council member.

- (3) Briefings.

- (a) The purpose of a work session briefing is to update the council.
 - (b) The Mayor or a council member may request that a person or entity having information relevant to council provide a briefing to council.
- (B) The work session agenda should include a statement that council may discuss any item from the Thursday agenda, including items that have not been preselected.

PART 12. PUBLIC PARTICIPATION DURING WORK SESSION.

- (A) Except as otherwise provided in this section, public participation is not permitted at a work session meeting.
- (B) Council may vote to allow public participation during a work session or for any work session item.

PART 13. CONDUCT OF PUBLIC HEARINGS.

- (A) Persons wishing to speak at a public hearing must register as indicated by Part 8 of this ordinance.
- (B) A public hearing should proceed as follows:
 - (1) presentation of a report by City staff;
 - (2) presentation by the applicant, for a hearing on an application, limited to five minutes;
 - (3) presentation by interested parties supporting the application or proposal subject to the time limitations indicated in Part 7;
 - (4) presentation by interested parties opposing the application or proposal subject to the time limitations indicated in Part 7; and
 - (5) rebuttal by the applicant, for a hearing on an application, of up to three minutes.
- (C) A council member may ask questions of a person at any time during the hearing.

PART 14. CONDUCT OF PUBLIC HEARING ON AN APPEAL.

- (A) Before opening a hearing on an appeal, the council should decide preliminary issues raised by the parties, including whether to postpone or continue the hearing and whether the appellant has standing to appeal.

(B) A public hearing on an appeal shall proceed in the following order:

- (1) a report from City staff;
- (2) a presentation by the appellant, limited to five minutes;
- (3) comment by persons supporting the appeal subject to the time limitations prescribed in Part 7;
- (4) comment by persons opposing the appeal subject to the time limitations prescribed in Part 7; and
- (5) a rebuttal by the appellant, of up to three minutes.

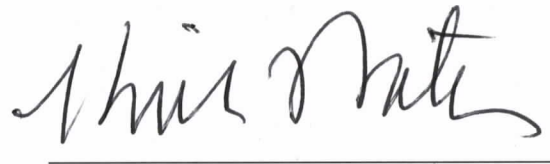
PART 15. The provisions of this ordinance are severable. If any provision of this ordinance or its applications to any person or circumstances is held invalid, the invalidity does not affect other provisions or applications of this ordinance.

PART 16. This Ordinance takes effect on June 10, 2024.

PASSED AND APPROVED

May 30, 2024

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Kirk Watson
Mayor

APPROVED:



Anne L. Morgan
City Attorney

ATTEST:



Myrna Rios
City Clerk