



**2018 CHARTER REVIEW COMMISSION
MINUTES**

**REGULAR MEETING
NOVEMBER 13, 2017**

The 2018 Charter Review Commission convened in a regular meeting on Monday, November 13, 2017, Austin City Hall, 301 W. Second Street, Room 1029, Austin, Texas.

The City Clerk called the Commission Meeting to order at 6:36 p.m.

Commission Members in Attendance:

Commissioner Borgelt	Commissioner Palvino
Commissioner Lewis	Commissioner Smith
Commissioner Hersh	Commissioner Ward
Commission Martinez-Moncada	Commissioner Weigand
Commissioner Musselman	

Commissioners Authur and Cotera were absent

Staff in Attendance:

Jerikay Gayle, Law Department
Jannette Goodall, City Clerk's Office
Lynn Carter, Law Department

1. CITIZEN COMMUNICATION: GENERAL

There were no citizens who registered to speak.

2. APPROVAL OF MINUTES

A. Approval of minutes from November 6, 2017

The minutes of the November 6, 2017 meeting were approved on Commissioner Borgelt's motion, Commissioner Smith's second on a 9-0 vote.

3. OLD BUSINESS

The Commission may discuss and take action on the following agenda items:

a) Nomination and election of Commission Chair

A motion to nominate Commissioner Lewis as Chair was made by Commissioner Borgelt. Commissioner Lewis declined the nomination.

This item was postponed to November 27, 2017 on Commissioner Hersh's motion, Commissioner Smith's second on a 9-0 vote.

b) Nomination and election of Commission Vice-Chair

This item was postponed to November 27, 2017 on Commissioner Hersh's motion, Commissioner Smith's second on a 9-0 vote.

- c) Future meeting dates

The Commission agreed that November 27, 2017 at 6:30 p.m. would be the next scheduled meeting.

4. NEW BUSINESS

The Commission may discuss and take action on the following agenda items:

- A. Staff briefing on the Zimmerman lawsuit relating to campaign finance.

A memorandum from City Attorney Anne Morgan was distributed to Commissioners giving a status update on the Zimmerman lawsuit. Lynn Carter, Staff Attorney with the Law Department, provided additional briefing on the Zimmerman lawsuit as it relates to campaign finance issues.

- B. Discussion of campaign finance.

Discussion occurred, with no action being taken.

- C. Discussion and identification of additional Charter sections which the Commission is interested in exploring.

The following areas were identified:

- **More staff independence of the City Manager (See attachment)**
 - **Transfer Oversight of the City Attorney's office to the Council.**
 - **Transfer budget development and financial oversight to an independent body under the Council.**
 - **Adopt budget participatory and transparency provisions so the budget is more transparent and there is more participation.**
 - **Create an independent Commission Staffing Office, whose staff serves Commission members and not the City Manager.**
 - **Create an independent Ethics Commission that enforces ethics, lobbyist disclosure, campaign finance, and conflict of interest independent of city attorney, city manager, and Council.**
- **Increase Council oversight of the City Manager and staff (See attachment)**
 - **Council legislative oversight functions.**
 - **Auditor and Implementation Compliance**
 - **Apex Staff Oversight**
- **Ethics and Campaign Finance (See attachment)**
 - **Council and staff may not take gifts**
 - **Quasi-Governmental entities receiving public monies may not spend public funds to influence elections.**
 - **Enhanced public campaign financing system**
 - **Oppose any changes to the Independent Citizen Redistricting Commission**
 - **Provide citizens standing in municipal court to remove commission members who are disqualified from service.**
- **Protect valid petition rights for rezoning (See attachment)**

- **Petition requirements**
- **Strong Mayor Form of Government**
- **Making the Charter language gender neutral**

Direction was given to staff to reach out to the Ethics Review Commission (ERC) to inquire on recommendations from the ERC on campaign finance and to provide any insight on the justification for Council establishing a one-year campaign fundraising period.

- D. Discussion of staff recommendation for corrections of clerical matters, routine harmonizing, and clarification of verbiage.

Jerikay Gayle and Jannette Goodall provided staff recommendations for corrections of clerical matters, routine harmonizing, and clarification of verbiage (see attachments).

5. FUTURE AGENDA ITEMS

The Commission may discuss and identify future agenda items, topics or presentations.

In addition to the topics listed under item 4C, the Commission will discuss establishing working groups and time frames for selected topics.

The meeting was adjourned at 8:29 p.m. without objection.

The minutes were approved on this the 27th day of November 2017 on Commissioner Weigand's motion, Commissioner Borgelt's second on an 8-0 vote.

Possible Charter Provisions to Provide More Transparency and Accountability.

I. Provide More Staff Independence of the City Manager

A. City Attorney. Transfer Oversight of the City Attorney's Office to the Council.

B. Budget Control. Transfer Budget Development and Financial Oversight to an Independent Body under the Council. Perhaps, a body similar to the Congressional Budget Office. If appropriated funds are not used for the purposes intended, they must be re-appropriated by council for a different purpose before the city manager may spend them on other matters. No slush funds.

C. Budget and Financial Transparency. Adopted budget participatory and transparency provisions so the budget is more transparent and there is more participation. The purpose is so council and the public may participate meaningfully in the budget process

C. Commissions. Create an Independent Commission Staffing Office, whose staff serves Commission members and not the City Manager.

D. Ethics Commission. Create an Independent Ethics Commission that enforces ethics, lobbyist disclosure, campaign finance, and conflicts of interest independent of the city attorney, city manager, and council. Perhaps similar to California's.

E. Equity Office. Create an Independent Equity Office in the charter that is overseen by the Council.

II. Increase Council Oversight of the City Manager and staff.

A. Legislative Oversight. State explicitly that Council has legislative oversight functions, similar to Congress and the Legislature, and these entail the ability to get all documents, research, and information necessary to ensure Council policies are being implemented and funds are being spent properly and efficiently.

B. Auditor and Implementation Compliance. The City auditor regularly, say quarterly, reports to council whether council's policies are being implemented properly, efficiently, and timely.

C. Apex Staff Oversight. City Council has the authority to review the performance and fire Assistant City Managers

III. Ethics and Campaign Finance.

A. Council and staff may not take gifts (with de minimus and relative exceptions)

B. Quasi-Governmental Entities receiving public monies, such as Downtown Austin Alliance and Austin Visitors Bureau, may not spend public funds to influence elections. Require political funds to come out of a separate account.

C. Examine enhancing the public campaign financing system, such as enacting the utility checkoff after 23 years of failure to implement, considering funding in the general election or allocated differently in runoff, providing small vouchers, or other enhancements to support grassroots candidates.

D. Oppose changes to the Independent Citizen Redistricting Commission.

E. Provide citizens standing in municipal court to remove commission members who are disqualified from service by lack of residency, lobbyist, violated the Planning Commission composition laws, etc.

IV. Miscellaneous

A. Protect Valid Petition Rights for Rezoning