



**2018 CHARTER REVIEW COMMISSION
MINUTES**

**REGULAR MEETING
JANUARY 29, 2018**

The 2018 Charter Review Commission convened in a regular meeting on Thursday, January 22, 2018, Austin City Hall, 301 W. Second Street, Room 1029, Austin, Texas.

Chair Palvino called the Commission Meeting to order at 6:32 p.m.

Commission Members in Attendance:

Commissioner Borgelt

Commissioner Hersh

Commissioner Musselman

Commissioner Smith

Commissioner Cotera

Commissioner Lewis

Commissioner Palvino

Commissioner Weigand

Commission Members absent:

Commissioner Authur

Commissioner Martinez-Moncada

Commissioner Ward

Staff in Attendance:

Jannette Goodall, City Clerk's Office

Jerikay Gayle, Law Department

Lynn Carter, Law Department

1. CITIZEN COMMUNICATION: GENERAL

There were no citizens who registered to speak.

2. APPROVAL OF MINUTES

Approval of minutes from January 22, 2018 meeting.

The minutes of the January 22, 2018 meeting were approved on Commissioner Lewis' motion, Commissioner Musselman's second on an 8-0 vote.

3. NEW BUSINESS

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

a) Petition Requirement Work Group Report.

Commissioner Borgelt provided a briefing from the Petition Requirement Work Group on changes to the petition requirements found in the Charter. (See attached report for details).

The recommendations were:

- **Allow time to repeal ordinances after the effective date.**
- **Establishing higher requirements for a recall petition.**
- **Establishing financial disclosure requirements for recall petitions.**

b) Briefing by Frank Rodriguez on City budget process.

This item was postponed to February 5, 2018 without objection.

- c) Discussion of retirement benefits for City Council Members.

This item was postponed to February 5, 2018 without objection.

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

Jerikay Gayle, City Law Department gave the Commission a briefing on the proposed staff recommendations for corrections of clerical matters, routine harmonizing, and clarification of verbiage.

The staff recommendations for corrections of clerical matters, routine harmonizing, and clarification of verbiage were approved on Commissioner Hersh's motion, Commissioner Borgelt's second on an 8-0 vote.

4. FUTURE AGENDA ITEMS

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

The following topics were identified for the February meetings.

- **February 2, 2018**
 - **Budget discussion**
 - **Discussion of Independent Ethics Review Commission**
 - **Council pension**
 - **Discussion of redistricting and the 2022 Election**
 - **Public Hearing Schedule**
- **February 12, 2018**
 - **Final recommendation on an Independent Ethics Review Commission**
 - **Final recommendation on the City Attorney**
 - **Final recommendation on the Public Voucher Program**
- **February 26, 2018**
 - **Final recommendation on petition requirements.**

Chair Palvino adjourned the meeting at 7:36 p.m. without objection.

Charter Subcommittee Report on Petitions and Recalls

The subcommittee recommends the following:

Petitions

Allow time to repeal ordinances after ordinance goes into effect, ordinance is not suspended.

No minimum number of requestors/initiators is required, so one person can initiate (This differs from Indy Texans process/petition where 5 persons are required)

10% or 20,000 signatures (same as current charter requirement) for repeal to be effective

Recommended process: File notice of intention to repeal with City Clerk and get signatures within 90-120 (TBD) days of ordinance effective date

Recall

Is overturning decisions of voters, therefore higher requirements than for ordinance repeal

Needed: 20% of qualified voters in a district; keep existing requirement of 10% of qualified voters for Mayor (not 20,000)

Must list at least one of the following valid reasons for recall: (from Fort Worth Charter) incompetency (gross ignorance of official duties, gross carelessness in the discharge of official duties, or inability or unfitness to promptly and properly discharge official duties because of a serious mental or physical defect that did not exist at the time of election); official misconduct (intentional unlawful behavior relating to official duties including an intentional or corrupt failure, refusal, or neglect of an officer to perform a duty imposed on the officer by law); habitual drunkenness; or conviction for any felony or misdemeanor involving official misconduct.

Financial Disclosure may be required for recall petitions

If a single source contributes as much as \$30,000, or if a total of \$100,000 or more are spent, loaned or otherwise committed, a financial disclosure must be filed with the City Clerk within eight days of meeting either threshold.

Each time either limit is triggered, a new report must be filed.

Sources:

The subcommittee reviewed the sources listed below, which are linked and/or attached.

Bryan, attached and here

https://library.municode.com/tx/bryan/codes/code_of_ordinances?nodeId=PTICH_S10IN

Fort Worth, attached and below

San Antonio, Article IV: [City-Charter-City-Code](#)

Portland, Oregon

City Charter: <https://www.portlandoregon.gov/citycode/28149>

City Code: <https://www.portlandoregon.gov/citycode/28158>

City Elections Page: <https://www.portlandoregon.gov/auditor/26642>

Fort Worth <http://fortworthtexas.gov/boards/charter/2016.pdf>

Dallas City Charter:

[http://library.amlegal.com/nxt/gateway.dll/Texas/dallas/cityofdallastexascodeofordinances?f=templates\\$fn=default.htm\\$3.0\\$vid=amlegal:dallas_tx](http://library.amlegal.com/nxt/gateway.dll/Texas/dallas/cityofdallastexascodeofordinances?f=templates$fn=default.htm$3.0$vid=amlegal:dallas_tx)

Indy Texans [http://indyaustin.org/wp-](http://indyaustin.org/wp-content/uploads/2017/09/PetitionSlideShowIndyAustin-Referendum-2.pdf)

[content/uploads/2017/09/PetitionSlideShowIndyAustin-Referendum-2.pdf](http://indyaustin.org/wp-content/uploads/2017/09/PetitionSlideShowIndyAustin-Referendum-2.pdf)

and attached.