



**2018 CHARTER REVIEW COMMISSION  
MINUTES**

**REGULAR MEETING  
FEBRUARY 12, 2018**

The 2018 Charter Review Commission convened in a regular meeting on Monday, February 12, 2018, Austin City Hall, 301 W. Second Street, Room 1029, Austin, Texas.

**Chair Palvino called the Commission Meeting to order at 6:31 p.m.**

**Commission Members in Attendance:**

Commission Authur	Commissioner Borgelt
Commissioner Cotera	Commissioner Hersh
Commissioner Lewis	Commissioner Martinez-Moncada
Commissioner Musselman	Chair Palvino
Commissioner Smith	Commissioner Ward
Vice-Chair Weigand	

**Staff in Attendance:**

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

**1) CITIZEN COMMUNICATION: GENERAL (3 minutes to speak)**

**Speakers were Paul Robbins, Liliana Beverido (Amhiga Hispana) and Linda Del Toro (LULAC Council 4246).**

**2) APPROVAL OF MINUTES**

a) Approval of minutes from February 5, 2018 meeting.

**The minutes of the February 5, 2018 meeting were approved on Commissioner Borgelt's motion, Vice-Chair Weigand's second on a 10-0 vote. Commissioner Smith abstained.**

**3) NEW BUSINESS**

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

a) Recommendation on the city attorney.

**Chair Palvino outlined the recommendation on having the city attorney report to the Council. (See attached recommendation). The recommendation was adopted on Commissioner Lewis' motion, Commissioner Smith's second on an 11-0 vote.**

d) Recommendation on council pension.

**Chair Palvino informed the Commission that allowing council members to participate in the City Employee Retirement program would require a legislative change through the Texas Legislature. No action occurred on this item.**

- b) Recommendation on public voucher program.

**There were three speakers on this item: Anthony Gutierrez (Common Cause); Frances McIntyre (League of Women Voters) and Joanne Richards (Common Ground for Texans).**

**The Commission directed the Campaign Finance and Ethics Work Group to make a formal recommendation at the February 26, 2018 meeting.**

- c) Discussion and action on recommendations for the Planning Commission.

**This item was postponed to February 26, 2018 without objection.**

- e) Discussion on the impact of redistricting on the 2022 election.

**This item was postponed to February 26, 2018 without objection.**

#### **4) FUTURE MEETING DATES AND AGENDA ITEMS**

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

**A future agenda item relating to Revenue Bonds was identified and will be added to the March 5<sup>th</sup> Meeting.**

- a) Approval of the public hearing schedule.

**No action occurred on this item.**

**Chair Palvino adjourned the meeting at 8:33 p.m. without objection.**

**The minutes were approved on this the 26<sup>th</sup> day of February 2018 on Commissioner Lewis's motion, Commissioner Smith's second on an 8-0 vote.**

## CRC Recommendation Regarding Article V, Section 6 (City Attorney)

Recommendation: City Council appoints the City Attorney.

Proposed Charter Revision:

### § 6. - CITY ATTORNEY.

There shall be a department of law, the head of which shall be the city attorney, who shall be appointed by the city ~~manager~~council. The city attorney shall be a competent attorney who shall have practiced law in the State of Texas for at least five (5) years immediately preceding his or her appointment. The city attorney shall be the legal advisor of, and attorney for, all of the officers and departments of the city, and ~~he or she~~the city attorney shall represent the city in all litigation and legal proceedings, and ~~the~~representation shall comply with the Texas Disciplinary Rules of Professional Conduct. He or sheThe city attorney shall draft, approve, or file ~~his or her~~-written legal objections to, every ordinance before it is acted upon by the council, and ~~he or she~~the city attorney shall pass upon all documents, contracts and legal instruments in which the city may have an interest.

There shall be such assistant city attorneys as may be authorized by the council, who shall be authorized to act for and on behalf of the city attorney.

Policy Reasons: The City of Austin is an outlier in terms of how its city attorney is appointed. According to the most recent Texas Municipal League survey in 2010, most Texas home-rule cities (73%) authorize their council to appoint the city attorney directly. The CRC is recommending this charter revision to ensure accountability of the city attorney's office to the city council.

Estimated Fiscal Impact:      None

Impact on existing city laws, rules, practices, and procedures: Other than the amendment of Article V, Section 6 of the City Charter, the appointment of the City Attorney by City Council will likely have an impact on existing City laws, rules, practices and procedures. Due to time and resource constraints, the full extent of this impact cannot be accurately assessed by the CRC.

Proposed Ballot Language:

Shall the City Charter be amended to provide that the City Council appoint the City Attorney?