

1 **ORDINANCE NO. _____**

2 **AN ORDINANCE ORDERING A GENERAL MUNICIPAL ELECTION TO**
3 **BE HELD IN THE CITY OF AUSTIN ON NOVEMBER 6, 2018, FOR THE**
4 **PURPOSE OF ELECTING A MAYOR (AT LARGE) AND CITY COUNCIL**
5 **MEMBERS (SINGLE MEMBER DISTRICTS) FOR DISTRICT 1,**
6 **DISTRICT 3, DISTRICT 5, DISTRICT 8, AND DISTRICT 9; ORDERING A**
7 **SPECIAL ELECTION FOR THE PURPOSE OF SUBMITTING PROPOSED**
8 **CHARTER AMENDMENTS TO THE VOTERS; ORDERING A SPECIAL**
9 **ELECTION FOR THE PURPOSE OF SUBMITTING TO THE VOTERS A**
10 **PROPOSED CITIZEN-INITIATED ORDINANCE REGARDING**
11 **WHETHER THERE MUST BE BOTH A WAITING PERIOD AND**
12 **SUBSEQUENT VOTER APPROVAL BY ELECTION BEFORE ANY**
13 **COMPREHENSIVE REVISIONS OF THE CITY'S LAND DEVELOPMENT**
14 **LAWS MAY GO INTO EFFECT; ORDERING A SPECIAL ELECTION FOR**
15 **THE PURPOSE OF AUTHORIZING THE ISSUANCE OF GENERAL**
16 **OBLIGATION BONDS; PROVIDING FOR THE CONDUCT OF THE**
17 **GENERAL MUNICIPAL AND SPECIAL ELECTIONS; AUTHORIZING**
18 **THE CITY CLERK TO ENTER INTO JOINT ELECTION AGREEMENTS**
19 **WITH OTHER LOCAL POLITICAL SUBDIVISIONS AS MAY BE**
20 **NECESSARY FOR THE ORDERLY CONDUCT OF THE ELECTIONS;**
21 **AND DECLARING AN EMERGENCY.**

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

23 **PART 1.** A general municipal election shall be held in the City of Austin on
24 November 6, 2018. At the election there shall be elected by the qualified voters of
25 the City a Mayor (at large) and City Council Members (single member districts) for
26 District 1, District 3, District 5, District 8, and District 9. The candidates for Mayor
27 shall meet all requirements and shall be residents of the City of Austin, and shall be
28 elected by majority vote of the City at large. The candidates for Districts 1, 3, 5, 8,
29 and 9 shall meet all requirements and shall be residents of their respective districts,
30 and shall be elected by majority vote of voters residing in each respective district.

31 **PART 2.** A charter amendment election shall be held in the City on November 6,
32 2018, at which the ballot shall be prepared to permit voting "Yes" or "No" on the
33 following propositions:

34 Proposition A: Shall the City Charter be amended to provide that the nomination
35 method, term of service, and process for removal of the Planning Commission
36 members be determined by ordinance?

Proposition B: Shall the City Charter be amended to make non-substantive corrections to grammar, typographical errors, capitalization, punctuation, and sentence structure; and to change or remove charter language that is obsolete?

PART 3 – If Proposition A is approved by the majority of voters voting at the election, the City Charter is amended to read as follows:

ARTICLE X. – PLANNING

§ 2. - THE PLANNING COMMISSION — ORGANIZATION.

There shall be established a planning commission which shall consist of citizens of the City of Austin who must be registered voters in the city and must have resided within the city for one year next preceding their appointment. The planning commission shall have a number of members equal to the number of members on the council plus two ~~[(2)]~~additional members, a minimum of two-thirds of the members who shall be lay members not directly or indirectly connected with real estate and land development. The city manager, the chairperson of the zoning board of adjustment, the director of public works and the president of the board of trustees of the Austin Independent School District shall serve as ex officio members. The members of said commission shall be appointed by the council for a term of up to two ~~[(2)]~~years~~[-five (5) members to be appointed in every odd-numbered year and four (4) members in every even-numbered year].~~ The timing of appointments, as well as a process for removing commissioners prior to expiration of a term, shall be established by ordinance. The commission shall elect a chairperson from among its membership and shall meet not less than once each month. Vacancies in an unexpired term shall be filled by the council for the remainder of the term.

PART 4. If Proposition B is approved by the majority of voters voting at the election, the City Charter is amended to read as follows:

ARTICLE I. - INCORPORATION, FORM OF GOVERNMENT, POWERS.

§ 1. - INCORPORATION.

The inhabitants of the City of Austin, ~~[Travis County,]~~ Texas, within its corporate limits, as established by Chapter 90, page 634, Special Laws of Texas, 1909, 31st Legislature, and as extended by ordinances of the City of Austin enacted subsequent thereto, shall continue to be and are hereby constituted a body politic and corporate, in perpetuity, under the name the "City of Austin," hereinafter referred to

as the "city," with such powers, privileges, rights, duties, and immunities as are herein provided.

§ 3. - GENERAL POWERS.

The city shall have all the powers granted to cities by the constitution [~~Constitution~~] and laws of the State of Texas, together with all the implied powers necessary to carry into execution such granted powers. The city may use a corporate seal; may sue and be sued; may contract and be contracted with; may cooperate with the government of the State of Texas or any agency or political subdivision thereof, or with the federal government or any agency thereof, to accomplish any lawful purpose for the advancement of the interest, welfare, health, morals, comfort, safety, and convenience of the city and its inhabitants; may acquire property within or without its corporate limits for any municipal purposes in fee simple, or in any lesser interest or estate, by purchase, gift, devise, lease or condemnation, and, subject to the provisions of this Charter, may sell, lease, mortgage, hold, manage, and control such property as may now or hereafter be owned by it; may pass ordinances and enact such regulations as may be expedient for the maintenance of the good government, order, and peace of the city and the welfare, health, morals, comfort, safety, and convenience of its inhabitants. In addition to the powers enumerated herein, and subject only to the limitations imposed by the state constitution, the state laws, and this Charter, the city shall have, without the necessity of its express enumeration in this Charter, each and every power which, by virtue of Article XI, Section 5, of the Constitution of Texas, the people of the city are empowered by election to grant to or confer upon the city by expressly and specifically granting and enumerating the same herein.

§ 4. - STREETS AND PUBLIC PROPERTY.

The city shall have exclusive dominion, control, and jurisdiction[;] in, upon, over, and under the public streets, sidewalks, alleys, highways, public squares, and public ways within the corporate limits of the city, and in, upon, over, and under all public property of the city. With respect to each and every public street, sidewalk, alley, highway, public square, or other public way within the corporate limits of the city, the city shall have the power to establish, maintain, alter, abandon, or vacate the same; to regulate, establish, or change the grade thereof; to control and regulate the use thereof; and to abate and remove in a summary manner any encroachment thereon.

§ 5. - STREET DEVELOPMENT AND IMPROVEMENT.

105 The city shall have the power to develop and improve, or cause to be developed
106 and improved, any and all public streets, sidewalks, alleys, highways, and other
107 public ways within the corporate limits of the city by laying out, opening, narrowing,
108 widening, straightening, extending and establishing building lines along the same;
109 by purchasing, condemning, and taking property therefor; by filling, grading,
110 raising, lowering, paving, repaving, and repairing, in a permanent manner, the same;
111 and by constructing, reconstructing, altering, repairing, and realigning curbs, gutters,
112 drains, sidewalks, culverts, and other appurtenances and incidentals in connection
113 with such development and improvements. The city may make or cause to be made
114 any one or more of the kinds or classes of development and improvement authorized
115 hereinabove, or any combination or parts thereof. The cost of such development and
116 improvement shall be paid by the city, or partly by the city and partly by assessments
117 levied against the property abutting thereon and the owners thereof, and such
118 assessments may be levied in any amounts and under any procedure now or hereafter
119 permitted by state law.

120 If improvements be ordered constructed in any part of the area between and
121 under rails, tracks, double-tracks, turnouts and switches, and two [~~2~~] feet on each
122 side thereof, of any railway[;] using, occupying, or crossing any such highway,
123 portion or portions thereof, ordered improved, then the city council shall have power
124 to assess the whole cost of improvements in such area against such railway, and shall
125 have power, by ordinance, to levy a special tax upon such railway, and its road-bed,
126 ties, rails, fixtures, rights and franchises, which tax shall constitute a lien thereon
127 superior to any other lien or claim except state, county, and city ad valorem taxes,
128 and which may be enforced either by sale of said property in the manner provided
129 by law for the collection of ad valorem taxes by the city, or by suit in any court
130 having jurisdiction. The ordinance levying such tax shall prescribe the time, terms
131 and conditions of payment thereof, and the rate of interest, not to exceed eight
132 percent (8%) per annum, and same, if not paid when due, shall be collectible,
133 together with interest, to expenses of collection and reasonable attorney's fees, if
134 incurred. The city council shall have power to cause to be issued assignable
135 certificates in evidence of any such assessments.

136 As an alternate and cumulative method of developing, improving, and paving
137 any and all public streets, sidewalks, alleys, highways, and other public ways within
138 the corporate limits, the city shall have the power and authority to proceed in
139 accordance with Chapter 106, page 489, Acts 1927, Fortieth Legislature, First Called
140 Session, as now or hereafter amended[;] to adopt plans and specifications pursuant
141 thereto; to pay to the contractor, the successful bidder, in cash, that part of the cost
142 which may be assessed against the abutting property and the owners thereof; to

reimburse itself for the amount paid such contractor by levying assessments against the abutting property and the owners thereof, after the hearing and notice prescribed in the aforesaid statutes, in an amount permitted by said statutes and not in excess of the enhancement in value of such property occasioned by the improvements; and to issue assignable certificates in favor of the city for such assessments, said certificates to be enforceable in the manner prescribed by the aforesaid statutes. The city shall likewise have the power to make any such development, improvement or paving with its own forces if, in the opinion of the council, the work can be done more expeditiously or economically, and in such event the city shall have the power to reimburse itself for the cost of such improvement in the same amount and in the same manner as if the work had been performed by a successful bidding contractor.

§ 6. - ANNEXATION FOR ALL PURPOSES.

The city [~~City~~] council [~~Council~~] shall have the power by ordinance to fix the boundary limits of the City of Austin; and to provide for the alteration, reduction, and the extension of said boundary limits, and the annexation of additional territory lying adjacent to the city, with or without the consent of the territory and inhabitants annexed. Before the city [~~City~~] may institute annexation or disannexation proceedings, the city [~~City~~] council [~~Council~~] shall provide an opportunity for all interested persons to be heard at a public hearing. Prior notice of such hearings shall be published in accordance with state law in a newspaper having general circulation in the city [~~City~~] and in the territory proposed to be annexed. Upon the final passage of any such ordinance, the boundary limits of the city [~~City~~] shall thereafter be fixed in such ordinance; and when any additional territory has been so annexed, same shall be a part of the City of Austin, and the property situated therein shall bear its pro rata part of the taxes levied by the city, and the inhabitants thereof shall be entitled to all rights and privileges of all the citizens, and shall be bound by the acts, ordinances, resolutions, and regulations of the city [~~City~~].

§ 7. - LIMITED PURPOSE ANNEXATION.

In addition to the power to annex additional territory for all purposes, the city [~~City~~] shall have the power, by ordinance, to fix, alter, and extend the corporate boundary limits of the city [~~City~~] for the limited purposes of planning, zoning, health, and safety and to annex for such limited purposes additional territory lying adjacent to the city [~~City~~], with or without the consent of the property owners or inhabitants of such annexed territory; provided, however, that no such territory which lies farther than five miles from the corporate boundary limits enclosing the territory which is a part of the city [~~City~~] for all purposes, as those corporate boundary limits are now or may hereafter be established, shall be annexed for any

180 limited purpose or purposes. Whenever the boundary limits annexed for such limited
181 purposes are not coterminous with the corporate boundary limits enclosing the
182 territory which a part of the city [City] for all purposes, such boundary limits of the
183 limited purpose territory shall be known as "Limited Purpose Boundary Limits."
184 Every ordinance by which territory is to be annexed to the city [City] for limited
185 purposes shall state clearly the limited purpose or purposes for which it is being
186 annexed, and shall be published one time, in a newspaper of general circulation in
187 the city [City] and in the form in which it is to be finally adopted, not less
188 than 30[~~thirty~~-(30)] days prior to its final passage.

189 When any additional territory has been annexed for said limited purpose or
190 purposes, it shall be a part of the city for such limited purpose or purposes only.
191 However, in dealing with the property and inhabitants thereof, the city [City] shall
192 have every power which it otherwise possesses and which is reasonable and
193 expedient for the accomplishment of the limited purpose or purposes for which such
194 property is annexed, and the power of the city [City] to deal with the property and
195 inhabitants of such limited purpose territory shall include the powers enumerated in
196 the next two [~~(2)~~] succeeding sentences but shall not be limited or restricted thereto.
197 With regard to territory annexed for the limited purpose of planning or zoning,
198 the city [City] shall have the power to control and regulate the use of property and
199 the density of structures, to require compliance with reasonable zoning regulations,
200 to control and regulate the subdivision of property and to control and regulate the
201 construction of buildings. With regard to territory annexed for the limited purpose
202 or purposes of health or safety, the city [City] shall have the power to adopt all
203 reasonable regulations pertaining to health and safety and to require compliance with
204 such regulations. Every inhabitant of territory annexed for limited purpose or
205 purposes, who is otherwise qualified, shall be entitled to vote in city [City] elections
206 on every issue where the question[s] is the election or recall of a city [City] council
207 member or the amendment of this Charter, and every such inhabitant shall be deemed
208 to be a citizen of the city [City] in connection with any ordinance, regulation, or
209 action which is, or is alleged to be, applicable to him or her or his or her property
210 because of such limited purpose annexation, but will not be eligible to run for any
211 office in the City of Austin. The city [City] shall have no power to levy any tax for
212 municipal purposes on either the property or [~~of~~] the inhabitants of territory annexed
213 for limited purpose or purposes, and no funds of the city [City] shall be spent in such
214 territory except where reasonable and expedient for the accomplishment of the
215 limited purpose or purposes for which the territory is annexed; but the city [City]
216 may collect reasonable charges from property owners and inhabitants of such
217 territory for services rendered by the city [City] in the accomplishment of the limited
218 purpose or purposes for which the territory is annexed.

219 ARTICLE II. - THE COUNCIL

220 § 3. - REDISTRICTING.

221 (A) For purposes of this section, the following terms are defined:

222 (4) PANEL means the Applicant Review Panel of three qualified, independent
223 auditors that screens applicants for the commission [~~Commission~~].

224 (B) In 2013 and thereafter in each year following the year in which the national
225 census is taken under the direction of Congress at the beginning of each decade,
226 the commission [~~Commission~~] shall adjust the boundary lines of the 10 single-
227 member districts in conformance with the standards and process set forth in this
228 article. The commission [~~Commission~~] shall be fully established no later than July
229 1, 2013, and thereafter no later than March 1 in each year ending in the number (1).
230 The commission [~~Commission~~] shall not draw district lines at any other time, except
231 if the districts must be redrawn because of a judicial decision invalidating the then
232 existing district plan, in whole or in part, or the date of the city election is moved. If
233 the date of the city election is moved, then the dates in this article shall be adjusted
234 to ensure the commission has sufficient time to draw the lines prior to the election
235 date.

236 (C) The commission shall:

237 (1) conduct an open and transparent process enabling full public consideration of
238 and comment on the drawing of district lines;

239 (2) draw district lines according to the redistricting criteria specified in this section;
240 and

241 (3) conduct themselves with integrity and fairness. This selection process is designed
242 to produce a commission that is independent from influence by the city
243 [~~City~~] council [~~Council~~] and is reasonably representative of this city's diversity.

244 (D) The commission shall consist of 14 members.

245 (1) Each commission member shall be a voter who has been continuously registered
246 in the City of Austin for five or more years immediately preceding the date of his or
247 her appointment. Each commission member, except the student member described
248 below, shall have voted in at least three of the last five city [~~City~~] of Austin general
249 elections immediately preceding his or her application. One commission member

250 shall be a student duly enrolled in a community college or university in the City of
251 Austin and who resides and is registered to vote in the City of Austin.

252 (2) The term of office of each member of the commission expires upon the
253 appointment of the first member of the succeeding commission in the year following
254 the year in which the national census is taken.

255 (3) Nine members of the commission shall constitute a quorum. Nine or more
256 affirmative votes shall be required for any official action, including approval of a
257 final plan establishing the boundaries of any council district.

258 (4) Each commission member shall apply this section in a manner that is impartial
259 and that reinforces public confidence in the integrity of the redistricting process. A
260 commission member shall be ineligible, for a period of 10 years beginning from the
261 date of appointment, to hold elective public office for the City of Austin. A member
262 of the commission shall be ineligible, for a period of three years beginning from the
263 date of appointment, to hold appointive public office for the City of Austin, to serve
264 as paid staff for or as a paid consultant to the City of Austin, the city [City] council
265 [Council] or any member of the city [City] council [Council], or to receive a
266 noncompetitively bid contract with the City of Austin. This three year ban on having
267 a paid consultancy or entering noncompetitively bid contracts applies to the member
268 individually and all entities for which the member is a controlling person.

269 (G) By December 1, 2013, and thereafter by November 1 in each year ending in the
270 number one ~~(4)~~, the commission shall adopt a final plan for the City of Austin
271 specifically describing the district boundaries for each of the council districts
272 prescribed above. Upon adoption, the commission shall certify the plan to the city
273 [City] council [Council]. The city council may not change the plan. The plan shall
274 have the force and effect of law.

275 (1)The commission shall issue a report that explains the basis on which the
276 commission made its decisions in achieving compliance with the criteria listed above
277 and shall include definitions of the terms and standards used in drawing the final
278 plan.

279 (2) If the commission does not adopt a final plan by the dates in this section, the city
280 attorney for the City of Austin shall immediately petition state court for an order
281 prescribing the boundary lines of the single-member districts in accordance with the
282 redistricting criteria and requirements set forth in this section~~[Section]~~. The plan
283 prescribed by the court shall be used for all subsequent city council elections until a
284 final plan is adopted by the commission to replace it.

(H) The commission has the sole legal standing to defend any action regarding a certified final map, and shall inform the city [City] council [Council] if it determines that funds or other resources provided for the operation of the commission are not adequate. The city [City] council [Council] shall provide adequate funding to defend any action regarding a certified map. The commission has sole authority to determine whether the city attorney or other legal counsel retained by the commission at its discretion shall represent the commission in defense of a certified final map.

(I) Commission Selection Process.

(1) No later than December 1, 2012, and thereafter by June 1 in each year ending in the number zero, the City of Austin Auditor shall initiate and widely publicize an application process, open to all registered City of Austin voters who meet the requirements of subdivision 3(D)(1) above, in a manner that promotes a large, diverse (by race, ethnicity, gender, and geography) and qualified commissioner~~[Commissioner]~~ applicant pool. The City Auditor shall take all reasonable and necessary steps to ensure that the pool has the requisite numbers, diversity, and qualifications. This process shall remain open until February 1, 2013 and thereafter until September 30 in each year ending in the number zero.

(2) No later than December 1, 2012 and thereafter by June 1 in each year ending in the number zero, the City of Austin Auditor shall initiate and widely publicize an application process, open to all qualified independent auditors that reside in the City of Austin and who meet the requirements of subdivision 3(A)(5) above, in a manner that promotes a large pool of applicants and applicant diversity by race, ethnicity, gender, and geography. This process shall remain open until February 1, 2013 and thereafter until September 1 in each year ending in the number zero.

(3) The City of Austin Auditor shall remove from the commissioner or independent auditor applicant pool any person with conflicts of interest including:

(a) Within the five years immediately preceding the date of application, either the applicant or their spouse, shall have done any of the following:

(i) been appointed to, elected to, or have been a candidate for state or city office.

(ii) served as an officer, employee, or paid consultant of a political party or of the campaign committee of a candidate for elective state, county or city office.

(iii) been a registered state or local lobbyist.

318 (iv) contributed or bundled \$1,000 or more in aggregate to candidates for City of
319 Austin elective office in the last city election.

320 (b) A person who has been, within the three years immediately preceding the date of
321 application: a paid employee of the City of Austin; person performing paid services
322 under a professional or political contract to the City of Austin, to the city
323 [City] council [Council], or to any member of the city [City] council [Council]; any
324 controlling person of any such consultant; or a spouse of any of the foregoing.

325 (4) No later than February 15, 2013, and no later than October 1 in each year ending
326 in the number zero, the City of Austin Auditor shall review the auditor review panel
327 applicants and remove those who do not meet the prescribed qualifications in
328 subdivision 3(A)(5) or have conflicts of interest as defined by subdivision 3(I)(3).
329 No later than February 15, 2013, and no later than October 1 in each year ending in
330 the number zero, the City of Austin Auditor shall at a public meeting randomly draw
331 the names of three qualified independent auditors from a pool consisting of all
332 qualified independent auditors, without conflicts of interest, that have applied to
333 serve on the Applicant Review Panel. After the drawing, the City Auditor shall
334 notify the three qualified independent auditors whose names have been drawn that
335 they have been selected to serve on the panel. If any of the three qualified
336 independent auditors declines to serve on the panel or is disqualified because of any
337 conflict of interest prescribed above in subdivision 3(I)(2), the City of Austin
338 Auditor shall resume the random drawing at a public meeting as soon as possible
339 until three qualified independent auditors who meet the requirements of this section
340 have agreed to serve on the panel.

341 (5) No later than March 1, 2013, and thereafter no later than October 31 in each year
342 ending in the number zero, the City of Austin Auditor shall have reviewed and
343 removed individuals with conflicts of interest as defined in subdivision 3(I)(3), or
344 fail to meet the qualification prescribed in subdivision 3(D)(1), from among the
345 commission applicants, and then shall publicize the names in the applicant pool and
346 provide copies of their applications to the Applicant Review Panel.

347 (6) No later than May 1, 2013, and thereafter by January 15 in each year ending in
348 the number one, the Applicant Review Panel shall select a pool of 60 applicants from
349 among the qualified applicants. These persons shall be the most qualified applicants
350 on the basis of relevant analytical skills, ability to be impartial, residency in various
351 parts of the city [City], and appreciation for the City of Austin's diverse
352 demographics and geography. The members of the Applicant Review Panel shall not
353 communicate directly or indirectly with any elected member of the city
354 [City] council [Council], or their representatives, about any matter related to the

355 nomination process or any applicant prior to the presentation by the panel of the pool
356 of recommended applicants to the city [City] council [Council].

357 (7) No later than May 2, 2013, and by January 16 in each year ending in the number
358 one thereafter, the Applicant Review Panel shall submit its pool of 60 recommended
359 applicants to the city [City] council [Council]. Each member of the city
360 [City] council [Council] within five days in writing may strike up to one applicant
361 from the pool of applicants. No reason need be given for a strike. Any applicant
362 struck by any member of the city [City] council [Council] must be removed from the
363 pool of applicants. No later than May 8, 2013, and thereafter by January 22 in each
364 year ending in one, the Applicant Review Panel shall submit the pool of remaining
365 applicants to the City of Austin Auditor.

366 (8) No later than May 9, 2013 and thereafter by January 23 in each year ending in
367 the number one, the City of Austin Auditor shall randomly draw at a public meeting
368 eight names from the remaining pool of applicants. These eight individuals shall
369 serve on the commission[Citizens Redistricting Commission].

370 (9) No later than June 30, 2013, and thereafter by February 28 in each year ending
371 in the number one, the eight commissioners shall review the remaining names in the
372 pool of applicants and, from the remaining applicants in that pool, shall appoint six
373 applicants to the commission. These six appointees must be approved by at least five
374 affirmative votes among the eight commissioners. These six appointees shall be
375 chosen to ensure that the commission reflects the diversity of the City of Austin,
376 including, but not limited to, racial, ethnic, and gender diversity. However, it is not
377 intended that formulas or specific ratios be applied for this purpose. Applicants shall
378 also be chosen based on relevant analytical skills and ability to be impartial. As for
379 geographic diversity, for the first redistricting in 2013, the eight commissioners shall
380 appoint the remaining six members to ensure geographic diversity and that at least
381 three commissioners come from each of the four existing Travis County
382 Commissioners districts, to the extent feasible with the remaining six open seats. As
383 for the redistricting in each year ending in the number one thereafter, the eight
384 commissioners shall ensure that at least one commission member resides in each of
385 the then current council districts, to the extent feasible with the remaining six open
386 seats.

387 (10) Once constituted, the commission shall conduct hearings and adopt a plan for
388 the boundaries of the city's council districts as required by the Charter[charter] of
389 the City of Austin.

390 (J) Citizens Redistricting Commission Vacancy, Removal, Resignation, or Absence.

(1) In the event of substantial neglect of duty, gross misconduct in office, or inability to discharge the duties of office, a member of the commission, having been served written notice and provided with an opportunity for a response, may be removed by a vote of 10 of the commissioners~~[Commissioners]~~.

(2) Any vacancy, whether created by removal, resignation, or absence, in the 14 commission positions shall be filled by the commission~~[Commission]~~ within 15 days after the vacancy occurs, from the remaining pool of applicants and in compliance with the applicant requirements of subdivision 3(I)(8). Nine members must agree to any appointment.

(K) The activities of the commission~~[Citizens Redistricting Commission]~~ are subject to all of the following:

(1) the commission shall comply with all state and city requirements for open meetings.

(2) the records of the commission and all data considered by the commission are public records that will be made available in a manner that ensures immediate and widespread public access.

(3) commission members and commission staff may not communicate with or receive communications about redistricting matters from anyone outside of a public hearing. This paragraph does not prohibit communication between commission members, commission staff (which shall exclude staff of any council members), legal counsel, and consultants retained by the commission that is otherwise permitted by state and city open meeting requirements.

(4) the commission shall select one of its members to serve as the chair and one to serve as vice chair. The chair and vice chair shall remain voting members of the commission.

(5) the commission shall hire commission staff, legal counsel, and consultants as needed; provided, however, that compensation of such persons shall be limited to the period in which the commission is active. The commission shall establish clear criteria for the hiring and removal of these individuals, communication protocols, and a code of conduct. The commission shall apply the conflicts of interest listed in subdivision 3(I)(3) to the hiring of staff, legal counsel, and consultants. The commission shall require that at least one of the legal counsel hired by the commission has demonstrated extensive experience and expertise in implementation and enforcement of the federal Voting Rights Act of 1965 (42 U.S.C. Sec. 1971 and

following). The commission shall make hiring, removal, or contracting decisions on staff, legal counsel, and consultants by nine or more affirmative votes.

(6) notwithstanding any other provision of law, no employer shall discharge, threaten to discharge, intimidate, coerce, or retaliate against any employee by reason of such employee's membership on the commission or attendance or scheduled attendance at any meeting of the commission.

(7) the commission shall establish and implement an open hearing process for public input and deliberation that shall be subject to public notice and promoted through an extensive outreach program to solicit broad public participation in the redistricting public review process. The hearing process shall begin with hearings to receive public input before the commission votes and approves a preliminary redistricting plan. In 2013, there shall be at least two such public hearings, before the commission votes on a preliminary plan, in each of the four Travis County Commissioner Precincts, and in each year ending in the number one thereafter, there shall be at least one such public hearing, before the commission votes on a preliminary redistricting plan in each of the then existing 10 council districts. In addition, these hearings shall be supplemented with all other appropriate activities to further increase opportunities for the public to observe and participate in the review process.

Following the commission's vote approving the preliminary plan, there shall be at least four public hearings, geographically dispersed, with at least one hearing in each of the four Travis County Commissioners' precincts, and each hearing shall be held on a different date. The commission also shall display the approved preliminary plan for written public comment in a manner designed to achieve the widest public access reasonably possible. Written public comment shall be taken for at least 14 days from the date of public display of the approved preliminary plan. The commission then shall vote on a proposed final plan and then it shall hold two subsequent public hearings, one north of Lady Bird Lake and one south of Lady Bird Lake and take at least five days of written public comments. The commission~~[Commission]~~ then shall be finished with all hearings and adopt a final plan by no later than December 1, 2013, and thereafter by November 1 in each year ending in the number one.

(8) members of the commission shall not be compensated for their service. Members of the panel and the commission are eligible for reimbursement of reasonable and necessary personal expenses incurred in connection with the duties performed pursuant to this act.

(9) the city [~~City~~] council [~~Council~~] shall appropriate sufficient funds to meet the operational cost of the commission and the cost of any outreach program to solicit broad public participation in the redistricting process.

(10) the commission shall remain inactive except when necessary to comply with its duties under this ordinance and the Charter[~~charter~~] of the City of Austin.

§ 4. – REPEALED[TRANSITION].

~~[(A) This section provides for a transition from the seven member council elected at large to the 11 member council provided by this article. Except as provided in this section, and after the transition as prescribed in this section, the mayor and council members shall serve three year terms.]~~

~~[(B) The three council members elected at large in May 2011 shall serve three year terms. The mayor and three council members elected at large in the May 2012 general election shall serve two year terms.]~~

~~[(C) A general election shall be held for the council in May 2014, at which the mayor and the 10 council members elected from council districts shall be elected.]~~

~~[(D) As soon as practicable after assuming office after the May 2014 general election, the City Clerk shall divide at a public hearing the council members elected from council districts into two classes by drawing lots. Class One shall consist of five council members who shall serve initial two year terms. Class Two shall consist of five council members who shall serve three year terms.]~~

~~[(E) At the May 2016 general election, the five Class One council members elected by districts will be elected for three year terms.]~~

~~[(F) At the May 2017 general election, the Mayor and five Class Two council members elected by districts will be elected for three year terms, marking the end of the transition period.]~~

§ 5. - TERM LIMITS.

(A) Except as provided in subsection[~~Subsection~~] (C), a person may not be elected to or serve in the office of mayor[~~Mayor~~] for more than two consecutive terms, and a person who has held the office of mayor[~~Mayor~~] for more than two years of a term to which some other person was elected mayor[~~Mayor~~] may not be elected to the office of mayor[~~Mayor~~] more than once in succession.

(B) Except as provided in subsection~~[Subsection]~~ (C), a person may not shall be elected to or serve on the city ~~[City]~~ council ~~[Council]~~ in a position other than mayor~~[Mayor]~~ for more than two consecutive terms, and a person who has held a position other than mayor~~[Mayor]~~ for more than two years of a term to which some other person was elected to the position may not be elected to a position other than mayor~~[Mayor]~~ more than once in succession.

(C) A person subject to a term limit with respect to an office may become a candidate for the office and serve if elected if the person's application to be a candidate for the office is accompanied by a petition requesting that the person be authorized to be a candidate and the petition is signed by at least five per cent of the qualified voters of the territory from which the office is elected.

§ 6. - VACANCIES.

Where a vacancy in any place on the council shall occur, the vacant place shall be filled by a special election, and, where necessary, by a run-off election, in the same manner as provided in this Charter for the regular election of a council_member. Such special election shall be held on the next available state uniform election date following the creation of the vacancy, and the run-off election shall be held according to state law following the preceding election; provided, however, that where a vacancy shall occur within ~~[ninety - (90)]~~ days of a regular election, no special election to fill the vacancy shall be called, unless more than one vacancy occurs.

§ 10. - MAYOR AND MAYOR PRO TEM.

The council_member elected to and occupying the place designated "mayor" shall be the mayor of the City of Austin. At its first meeting following each regular election of council_members, the council shall, by election, designate one of its number as mayor pro tem, who shall serve in such capacity at~~during~~ the pleasure of the council. The mayor shall preside at all meetings of the council and shall be recognized as head of the city government for all ceremonial purposes, for the purpose of receiving service of civil process, and for military purposes, but he or she shall have no regular administrative duties. The mayor, as a member of the council, shall be entitled to vote upon all matters considered by the council, but shall have no veto power. The mayor pro tem shall act as mayor during the absence or disability of the mayor, and shall have power to perform every act the mayor could perform if present.

§ 12. - MEETINGS OF THE COUNCIL.

The council shall meet in regular session at the City Hall at least once each week at such time as may be prescribed by ordinance, unless otherwise ordered by the council for reasons to be documented in~~spread upon~~ the minutes. Special meetings of the council shall be called by the city clerk upon written request of the mayor or two ~~(2)~~ members of the council. All meetings shall be open to the public except as may be authorized by the laws of the State of Texas.

§ 14. - PROCEDURE TO ENACT LEGISLATION.

The council shall legislate by ordinance only, and the enacting clause of every ordinance shall be, "BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF AUSTIN." Before any ordinance shall be adopted, the city attorney shall approve such ordinance in writing or shall file with the city clerk his or her written legal objections thereto. Every ordinance enacted by the council shall be signed by the mayor, mayor pro tem, or by two council_members, and shall be filed with and recorded by the city clerk before the same shall become effective. Unless otherwise provided by law or this Charter, no ordinance shall become effective until the expiration of 10 days following the date of its final passage, except where an ordinance relating to the immediate preservation of the public peace, health or safety, is adopted as an emergency measure by the favorable votes of at least two-thirds of the council_members and contains a statement of the nature of the emergency.

§ 16. - CODE OF ORDINANCES.

Within six ~~(6)~~ months after the effective date of this section, the council shall cause all general ordinances of the city to be compiled and printed in code form. For the purpose of this section, general ordinances shall be deemed to be those ordinances of a permanent or continuing nature which affect the residents of the city at large. Every general ordinance enacted subsequent to the original codification required above shall be enacted as an amendment to the code. After the original codification, the council shall have the power to cause all general ordinances to be recodified and reprinted whenever in its discretion such is deemed desirable, and it shall be mandatory upon the council to cause all general ordinances to be recodified and reprinted before the expiration of any 10~~ten (10)~~ consecutive years following the last preceding codification or recodification. When adopted by the council, the printed codes of general ordinances contemplated by this section shall be in full force and effect without the necessity of such codes or any part thereof being published in any newspaper.

ARTICLE III. - ELECTIONS.

§ 2. - ELECTION DATE; COUNCIL TERMS; ELECTION BY MAJORITY AND RUN-OFF ELECTIONS.

(A) The City's general election shall be held on the November uniform election date authorized by state law in even-numbered years. Notwithstanding any other provision of this Charter, the regular term of the mayor and council members is four years. Council terms shall be staggered so that a general election is held every two years, and half, or as near to half as is practical, of the council is elected at each election.

(1) The council shall provide by ordinance for the transition from three-year terms to four-year terms and for staggering the terms of council members. The ordinance may provide for drawing lots for initial terms or temporarily lengthening or shortening individual council member's terms to accomplish the transition. If a council member's term is shortened by more than a year, for the purpose of the transition, that shortened term does not count as a term for the purpose of Article II Section 5 of this Charter. When this paragraph has served its purpose, it expires, and need not be reprinted in future versions of the Charter.

(C) The regular term of a council member begins on the date set by ordinance. A council member may qualify for office on that date or as soon thereafter as practicable. In the case of a special election to fill an unexpired term, the person elected may qualify and assume office as soon as practicable after the canvass of the election.

§ 3. - REGULATION OF ELECTIONS.

All elections shall be held in accordance with the laws of the State of Texas regulating the holding of municipal elections and in accordance with the ordinances adopted by the council for the conduct of elections. ~~The~~Provided that the council shall appoint the election judges and other election officials. Voting precincts shall be established by ordinance and may be altered from time to time in like manner.

§ 4. - FILING OF CANDIDATES.

Any qualified person who desires to become a candidate for election to a place on the council shall file with the city clerk, at least 45~~forty-five (45)~~ days prior to the election day, an application for his or her name to appear on the ballot. Such application shall be accompanied by a filing fee of \$500.00~~five hundred dollars (\$500.00)~~. ~~Such~~If the petition is sufficient to satisfy statutory requirements, the filing fee may be reduced by \$1.00~~one dollar (\$1.00)~~ per signature for each registered voter who signs a petition requesting that the name of the candidate be

placed on the ballot~~[, if such petition is sufficient to satisfy statutory requirements]~~.
In case of a district position, the petition shall be signed by registered voters residing
in the particular district. Such application shall clearly designate by number the place
on the council to which the candidate seeks election and shall contain a sworn
statement by the candidate that he or she is fully qualified under the laws of Texas
and the provisions of this Charter to hold the office he or she seeks.

§ 6. - CANVASSING ELECTION AND DECLARING RESULTS.

The returns of every municipal election shall be delivered by the election judges
to the city clerk not later than ~~12[twelve (12)]~~ hours after the closing of the polls.
The council shall canvass the returns and declare the official results of the election
in accordance with state law. The returns of every municipal election shall be
recorded in the minutes of the council, by precinct totals for each candidate.

§ 8. - LIMITS ON CAMPAIGN CONTRIBUTIONS AND EXPENDITURES.

(A) Limits On Contributions To Candidates.

(1) No candidate for mayor~~[Mayor]~~ or city ~~[City]~~ council ~~[Council]~~ and his or her
campaign committee shall accept campaign contributions in excess of \$300 per
contributor per election from any person, except for the candidate and small-donor
political committees. The amount of the contribution limit shall be modified each
year with the adoption of the budget to increase or decrease in accordance with the
most recently published federal government, Bureau of Labor Statistics Indicator,
Consumer Price Index (CPI-W U.S. City Average) U.S. City Average. The most
recently published Consumer Price Index on May 13, 2006, shall be used as a base
of 100 and the adjustment thereafter will be to the nearest \$50.00.

(2) Each candidate may authorize, establish, administer, or control only one
campaign committee at one time.

(3) No candidate and his or her committee shall accept an aggregate contribution
total of more than \$30,000 per election, and \$20,000 in the case of a runoff election,
from sources other than natural persons eligible to vote in a postal zip code
completely or partially within the Austin city limits. The amount of the contribution
limit shall be modified each year with the adoption of the budget to increase or
decrease in accordance with the most recently published federal government, Bureau
of Labor Statistics Indicator, Consumer Price Index (CPI-W U.S. City Average) U.S.
City Average. The most recently published Consumer Price Index on May 13, 2006,
shall be used as a base of 100 and the adjustment thereafter will be to the nearest
\$1,000.00.

631 (B) Small-Donor Political Committees.

632 (1) A small-donor political committee is a political committee which has accepted
633 no more than \$25 from any contributor during any calendar year, has had at least
634 100 contributors during either the current or previous calendar year, has been in
635 existence for at least six months, and has never been controlled by a candidate.

636 (2) Such a committee shall not contribute more than \$1000 per candidate per election
637 for the offices of mayor[~~Mayor~~] and city [~~City~~] council [~~Council~~].

638 (F) Time Restrictions On Candidate Fundraising; Officeholder Accounts.

639 (1) In this section terms have the same meaning as they have in Title 15 of the Texas
640 Election Code. The term "officeholder account" means an account in which funds
641 described by subsection (F)(4) must be kept. "Officeholder" means the mayor or a
642 council member.

643 (2) An officeholder, a candidate for mayor or city council, or an officeholder's or
644 candidate's committee, may not solicit or accept a political contribution except
645 during the last 180 days before an election for mayor or council member or in which
646 an officeholder faces recall.

647 (3) Except as provided by subsection (F)(6), no later than the 90th day after an
648 election, or if a candidate is in a runoff election no later than the 90th day after the
649 runoff, a candidate or officeholder shall distribute the balance of funds received from
650 political contributions in excess of any remaining expenses for the election:

651 (a) to the candidate's or officeholder's contributors on a reasonable basis,

652 (b) to a charitable organization,

653 or (c) to the Austin Fair Campaign Fund.

654 (4) An unsuccessful candidate who, after an election, has unpaid expenses
655 remaining, or who has unreimbursed campaign expenditures from personal funds
656 that were made with the intent to seek reimbursement from political contributions,
657 may solicit and accept political contributions after the election until the unpaid
658 expenses are paid and the unreimbursed expenditures are reimbursed.

659 (5) An officeholder who, after an election, has unpaid expenses remaining, or who
660 has unreimbursed campaign expenditures from personal funds that were made with
661 the intent to seek reimbursement from political contributions, may solicit and accept
662 political contributions after leaving office until the unpaid expenses are paid and the

unreimbursed expenditures are reimbursed. An officeholder may also pay the unpaid expenses and reimburse the unreimbursed expenditures from political contributions received during a subsequent campaign.

(6) An officeholder may retain up to \$20,000 of funds received from political contributions for the purposes of officeholder expenditures.

(7) An officeholder shall keep funds retained under subsection (F)(6) in an account separate from any other funds including personal funds of the officeholder and any other political funds of the officeholder. The funds kept in an officeholder account may be used only for officeholder expenditures. The funds kept in an officeholder account may not be used for campaign expenditures. The funds kept in an officeholder account may not exceed \$20,000.00 at any time.

(8) When an officeholder leaves the council~~[Council]~~, the funds remaining in an officeholder account must be paid to the Austin Fair Campaign Fund.

(G) Applicability To Council Members. Any incumbent mayor or council member is subject to the regulations applied to candidates for the office he or she holds.

(I) Enforcement. The city council may by ordinance adopt penalties and enforcement procedures for violations of this article~~[Article]~~.

ARTICLE IV. - INITIATIVE, REFERENDUM, AND RECALL.

§ 2. - POWER OF REFERENDUM.

The people reserve the power to approve or reject at the polls any legislation enacted by the council which is subject to the initiative process under this Charter, except an ordinance which is enacted for the immediate preservation of the public peace, health or safety, which contains a statement of its urgency, and which is adopted by the favorable votes of eight~~[five (5)]~~ or more of the council members. Prior to the effective date of any ordinance which is subject to referendum, a petition signed by qualified voters of the city equal in number to the number of signatures required by state law to initiate an amendment to this Charter may be filed with the city clerk requesting that any such ordinance be either repealed or submitted to a vote of the people. When such a petition has been certified as sufficient by the city clerk, the ordinance specified in the petition shall not go into effect, or further action thereunder shall be suspended if it shall have gone into effect, until and unless it is approved by the voters as herein provided.

§ 3. - FORM AND VALIDATION OF A PETITION.

696 A petition under section~~[Section]~~ 1 or section~~[Section]~~ 2 of this article is subject
697 to the requirements prescribed by state law for a petition to initiate an amendment to
698 this Charter, and shall be in the form and validated in the manner prescribed by state
699 law for a petition to initiate an amendment to this Charter.

700 § 4. - COUNCIL CONSIDERATION AND SUBMISSION TO VOTERS.

701 When the council receives an authorized initiative petition certified by the city
702 clerk to be sufficient, the council shall either:

703 (a) Pass the initiated ordinance without amendment within 10~~[ten (10)]~~ days
704 after the date of the certification to the council; or

705 (b) Order an election and submit said initiated ordinance without amendment to
706 a vote of the qualified voters of the city at a regular or special election to be held on
707 the next allowable election date authorized by state law after the certification to the
708 council.

709 When the council receives an authorized referendum petition certified by the
710 city clerk to be sufficient, the council shall reconsider the referred ordinance, and if
711 upon such reconsideration such ordinance is not repealed, it shall be submitted to the
712 voters at a regular or special election to be held on the next allowable election date
713 authorized by state law after the date of the certification to the council. Special
714 elections on initiated or referred ordinances shall not be held more frequently than
715 once each six ~~[(6)]~~ months, and no ordinance on the same subject as an initiated
716 ordinance which has been defeated at any election may be initiated by the voters
717 within two ~~[(2)]~~ years from the date of such election.

718 § 5. - BALLOT FORM AND RESULTS OF ELECTION.

719 The ballot used in voting upon an initiated or referred ordinance shall state the
720 caption of the ordinance and below the caption shall set forth on separate lines the
721 words, "For the Ordinance" and "Against the Ordinance."

722 Any number of ordinances may be voted on at the same election in accordance
723 with the provisions of this article. If a majority of the votes cast is in favor of a
724 submitted ordinance, it shall thereupon be effective as an ordinance of the city. An
725 ordinance so adopted may be repealed or amended at any time after the expiration
726 of two ~~[(2)]~~ years by favorable vote of at least three_ fourths of the council. A
727 referred ordinance which is not approved by a majority of the votes cast shall be
728 deemed thereupon repealed.

729 § 6. - POWER OF RECALL.

730 The people of the city reserve the power to recall any member of the council
731 and may exercise such power by filing with the city clerk a petition, signed by
732 qualified voters of the territory from which the council member is elected, equal in
733 number to at least 10 percent of the qualified voters of the territory from which the
734 council member is elected, demanding the removal of a council_member. The
735 petition shall be signed and verified in the manner required for an initiative petition,
736 shall contain a general statement of the grounds for which the removal is sought, and
737 one of the signers of each petition paper shall make an affidavit that the statements
738 therein made are true.

739 § 7. - RECALL ELECTION.

740 Within 20 days after a recall petition is filed, the city clerk shall examine the
741 same. The provisions regulating examination, certification and amendment of
742 initiative petitions shall apply to recall petitions. If the petition is certified by the city
743 clerk to be sufficient and the council_member whose removal is sought does not
744 resign within five days after the certification to the council, the council shall order
745 and hold a recall election in the territory from which the council member is elected
746 on the first authorized election date that allows sufficient time to comply with other
747 requirements of law.

748 § 8. - RECALL BALLOT.

749 Ballots used at recall elections shall conform to the following requirements:

750 (1) With respect to each person whose removal is sought, the question shall be
751 submitted "Shall (name of council member[~~Councilmember~~]) be removed from the
752 office of city[~~City~~] council member[~~Councilmember~~]?"

753 (2) Immediately below each such question there shall be printed the two [~~(2)~~]
754 following propositions, one above the other, in the order indicated:

755 "For the recall of (name of council member[~~Councilmember~~])"

756 "Against the recall of (name of council member[~~Councilmember~~])."

757 § 9. - RESULTS OF RECALL ELECTION.

758 If a majority of the votes cast at a recall election shall be against removal of the
759 council_member named on the ballot, he or she shall continue in office. If the
760 majority of the votes cast at such election be for the removal of the council_member

named on the ballot, the council shall immediately declare his or her office vacant and such vacancy shall be filled in accordance with the provisions of this Charter for the filling of vacancies. A council_member thus removed shall not be a candidate to succeed himself or herself in an election called to fill the vacancy thereby created.

§ 10. - LIMITATION ON RECALL.

No recall petition shall be filed against a council_member within six [~~(6)~~] months after he or she takes office, and no council_member shall be subject to more than one recall election during a term of office.

ARTICLE V. - ADMINISTRATIVE ORGANIZATION.

§ 1. - THE CITY MANAGER.

The council shall appoint a city manager who shall be the chief administrative and executive officer of the city. He or she shall be chosen by the council solely on the basis of his or her executive and administrative training, experience, and ability, and need not, when appointed, be a resident of the City of Austin; however, during the tenure of his or her office, he or she shall reside within the city.

The city manager shall not be appointed for a definite term, but may be removed at the will and pleasure of the council by a majority vote of the entire membership of the council. If removed after serving six [~~(6)~~] months, he or she may demand written charges and the right to be heard thereon at a public meeting of the council prior to the date on which his or her final removal shall take place. Pending such hearing, the council may suspend him or her from office. The action of the council in suspending or removing the city manager shall be final, it being the intention of this Charter to vest all authority and fix all responsibility for such suspension or removal in the council. The city manager shall receive such compensation as may be fixed by the council.

No member of the council shall, during the time for which he or she is elected or for two [~~(2)~~] years thereafter, be chosen as city manager.

§ 4. - DIRECTORS OF DEPARTMENTS.

At the head of each department there shall be a director who shall be appointed, and who may be removed, by the city manager. Such directors shall have supervision and control over their respective departments, and may serve as chiefs of divisions within their respective departments. Two [~~(2)~~] or more departments may be headed by the same individual, and the city manager may head one or more departments.

§ 5. - DEPARTMENTAL ORGANIZATION.

The work of each department shall be distributed among such divisions as may be established by ordinance; provided~~[-Provided]~~, however, that no departmental division shall be made until the city manager shall have been heard and have made his or her recommendations with respect thereto. Pending passage of ordinances establishing departmental divisions, the manager may establish temporary divisions in any department.

§ 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. 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 shall represent the city in all litigation and legal proceedings. He or she 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 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.

ARTICLE VI. - MUNICIPAL COURT.

§ 2. - JUDGE OF THE MUNICIPAL COURT. The municipal court shall be presided over by a magistrate who shall be known as the judge of the municipal court. He or she shall be appointed by the council for a four-year term beginning on January first of even numbered years. He or she shall be removed only for cause or disability as defined in the Texas~~[State]~~ Constitution. He or she shall have been admitted to practice law in the State of Texas for not less than two ~~[(2)]~~ years and shall have resided in the city for a period of not less than two ~~[(2)]~~ years immediately preceding his or her appointment.

In the event the judge of the municipal court is unable to act for any reason, the council shall appoint an attorney possessing the qualifications required above to act in his or her place. The judge, or anyone acting in his or her place, shall receive such compensation as may be set by the council.

The council shall have the power to create and establish additional municipal courts, and to appoint more than one judge of each municipal court, whether one or

828 more, each of whom shall be a magistrate and shall have the qualifications and serve
829 the term of office prescribed in the first paragraph of this section.

830 If any judge of a municipal court announces candidacy, or in fact becomes a
831 candidate, in any general, special, or primary election, for any elective public office,
832 at a time when the unexpired term of the judge's office exceeds one year, the judge's
833 announcement or candidacy is an automatic resignation of the office of municipal
834 judge.

835 § 3. - CLERK OF THE MUNICIPAL COURT.

836 There shall be a clerk of the municipal court who shall be appointed by, and who
837 shall serve at the pleasure of, the council. The clerk shall have the power to
838 administer oaths and affidavits, make certificates, affix the seal of the court thereto,
839 and otherwise perform any and all acts necessary in issuing process ~~for~~ such
840 court and conducting the business thereof.

841 There shall be such deputy clerks of the municipal court as may be authorized
842 by the council, who shall have authority to act for and on behalf of the clerk of the
843 municipal court, and who shall be appointed by the clerk of the municipal court.

844 ARTICLE VII. - FINANCE.

845 § 2. - DIRECTOR OF FINANCE — POWERS AND DUTIES.

846 The director of finance shall administer all financial affairs of the city, other
847 than the assessment and collection of taxes. He or she shall have authority and be
848 required to:

849 (1) Maintain a general accounting system for the city government and exercise
850 financial control over all offices, departments, and agencies thereof;

851 (2) Certify as to the availability of funds for all proposed expenditures. Unless
852 the Director of Finance shall certify that there is an unencumbered balance in the
853 appropriation and funds available, no appropriation shall be encumbered and no
854 expenditure shall be made;

855 (3) Submit to the council, through the city manager, a monthly statement of all
856 receipts and disbursements in sufficient detail to show the exact financial condition
857 of the city;

858 (4) Prepare, as of the end of the fiscal year, a complete financial statement and
859 report.

860 § 3. - FISCAL YEAR.

861 The fiscal year of the city which began on January 1, 1953, shall end on
862 December 31, 1953. The next succeeding fiscal year shall begin on January 1, 1954,
863 and end on September 30, 1954, and shall constitute an interim fiscal period. After
864 September 30, 1954, the fiscal year of the city shall begin on the first day of October
865 and end on the last day of September of each calendar year. The fiscal year
866 established by this section shall also constitute the budget and accounting year. As
867 used herein, the term "budget year" shall mean the fiscal year for which any budget
868 is adopted and in which it is administered. All funds collected by the city during any
869 fiscal year, including both current and delinquent revenues, shall belong to such
870 fiscal year and, except for funds derived to pay interest and create a sinking fund on
871 the bonded indebtedness of the city, shall be applied to the payment of expenses
872 incurred during such fiscal year. Any revenues uncollected at the end of any fiscal
873 year shall become resources of the next succeeding fiscal year.

874 § 6. - BUDGET PREPARATION AND ADOPTION.

875 At least 30~~[thirty (30)]~~ days prior to the beginning of each budget year, the city
876 manager shall submit to the council a proposed budget in the form required by this
877 Charter. At the meeting of the council at which the budget is submitted, the council
878 shall order a public hearing on the budget and shall cause to be published, at
879 least 10~~[ten (10)]~~ days prior to the date of such hearing, the time and place thereof.
880 At the time and place so advertised the council shall hold a public hearing on the
881 budget as submitted, at which all interested persons shall be given an opportunity to
882 be heard. The budget shall be finally adopted not later than the twenty-seventh day
883 of the last month of the fiscal year. Upon final adoption the budget shall be in effect
884 for the budget year, and copies thereof shall be filed with the city clerk,
885 the county~~[County]~~ clerk~~[Clerk]~~ of Travis County, and the state comptroller of
886 public accounts. The final budget shall be reproduced and sufficient copies shall be
887 made available for use of all offices, departments, and agencies of the city, and for
888 the use of interested persons.

889 § 7. - WORK PROGRAMS AND ALLOTMENTS.

890 At the beginning of each fiscal year the head of each department or agency of
891 the city government, upon the direction of the city manager, shall submit to the
892 department of finance a work program for the year. Said work program shall include
893 all appropriations for operation, maintenance, and capital outlays and shall indicate
894 the requested allotments of such appropriations by months for the entire fiscal year.
895 The city manager shall review the requested allotments, and, after such alteration or

revision as he may deem necessary, authorize such for expenditure. Thereafter the department of finance shall authorize all expenditures for departments and agencies to be made from the appropriations on the basis of the approved allotments and not otherwise. The approved allotments may be revised during the fiscal year by the city manager, or upon application by the head of any department or agency and approval by the city manager, but in no event shall the aggregate of departmental or agency allotments exceed the appropriation available to such departments or agencies for the fiscal year. If, at any time during the fiscal year, the city manager shall ascertain that available revenues will be less than total appropriations for the year, he or she shall reconsider the work program and allotments of the departments and agencies and revise them so as to prevent the making of expenditures in excess of available revenues.

§ 12. - REVENUE BONDS FOR CONSERVATION.

In order to conserve the energy-producing resources, water resources, and wastewater treatment facilities of the city and, therefore, to save money of the city, the city shall have power to borrow money for the purpose of providing conservation facilities, including facilities to be owned or operated by persons other than the city, and to issue revenue bonds, notes or other obligation in evidence of such borrowing. Such bonds shall be a charge upon and payable solely from the public utilities referred to in the first paragraph of [this] Section 11 and the income therefrom, and shall never be a debt of the city. All revenue bonds or obligations shall be issued in accordance with applicable laws of the State of Texas. The council shall have the authority to provide for the terms and form of any purchase agreement, contract, mortgage, bond or document desired or necessary for the issuance of revenue bonds and the providing of any such resource conservation facilities.

§ 15. - PURCHASE PROCEDURE.

All purchases made and contracts executed by the city shall be pursuant to a written requisition from the head of the office, department or agency whose appropriation will be charged, and no contract or order shall be binding upon the city unless and until the director of finance certifies that there is to the credit of such office, department or agency a sufficient unencumbered appropriation balance to pay for the supplies, materials, equipment or contractual services for which the contract or order is to be issued. Before the city makes any purchase or contract for supplies, materials, equipment or contractual services, opportunity shall be given for competition unless exempted by state statute. The city manager shall have the authority to contract for expenditures without further approval of the council for an expenditure that does not exceed forty-three thousand dollars annually. A contract

or an amendment to a contract, involving an expenditure of more than forty-three thousand dollars annually must be expressly approved by the council. All contracts or purchases involving more than ~~\$5,000.00~~~~[five thousand dollars (\$5,000.00)]~~ shall be let to the bid deemed most advantageous to the city after there has been an opportunity for competitive bidding; provided, however, that the council shall have the right to reject any and all bids. Contracts for personal or professional services shall not be let on competitive bids and each such contract, or amendment to a contract, involving more than forty-three thousand dollars annually shall be approved by the council. The city manager may not contract for personal or professional services under the manager's authority if the manager knows or reasonably should know that the contractor's full scope of work will exceed the limit of the manager's authority. The amount of the forty-three thousand dollar annual limitation shall be modified each year with the adoption of the budget to increase or decrease in accordance with the most recently published federal government, Bureau of Labor Statistics Indicator, Consumer Price Index (CPI-W U.S. City Average), U.S. City Average. The most recently published Consumer Price Index on May 4, 2002, shall be used as a base of 100 and the adjustment thereafter will be to the nearest \$1,000.00~~[one thousand dollars (\$1,000.00)]~~.

ARTICLE IX. - PERSONNEL.

§ 1. - CLASSIFIED CIVIL SERVICE.

(B) There is hereby established a classified civil service in which all employment and promotions shall be made on the basis of merit and fitness. The civil service shall include all appointive offices and employments in the administrative service and in other agencies and offices of the city~~[City]~~, except the following:

- (1) members of the city council and their direct staff;
- (2) persons who are appointed or elected by the city council pursuant to this Charter;
- (3) the city manager and assistant city managers;
- (4) department directors and assistant department directors;
- (5) the city attorney and all assistant city attorneys;
- (6) temporary and seasonal employees; and
- (7) employees covered by a state civil service statute.

§ 2. - MUNICIPAL CIVIL SERVICE COMMISSION.

965 (C) Each commissioner must be a qualified voter of the city[~~City~~] who does not,
966 during the commissioner's term, hold or become a candidate for any other public
967 office of the city[~~City~~] or of the State of Texas.

968 (G) The commission shall:

969 (1) hear appeals and make final, binding decisions in the case of any municipal civil
970 service employee or appointee who is discharged, suspended, demoted, denied a
971 promotion, or put on disciplinary probation;

972 (2) recommend the adoption of civil service rules and perform services under the
973 civil service rules as provided in this section;

974 (3) conduct any investigations it may consider desirable or which it may be required
975 to make by the city council or the city manager concerning the administration of
976 municipal civil service, and report its findings and recommendations to the city
977 [~~City~~] council [~~Council~~];

978 (4) perform other duties regarding the municipal civil service, not inconsistent with
979 this article, that the city [~~City~~] council [~~Council~~] may require;

980 (5) issue subpoenas and subpoenas duces tecum to witnesses, whether at the request
981 of interested parties or on its own motion, when reasonably necessary to obtain
982 pertinent evidence at a hearing or investigation; and

983 (6) administer oaths to witnesses appearing at a hearing or investigation.

984 § 5. - EMPLOYEES' RETIREMENT SYSTEM.

985 There shall be a retirement system for the employees of the city which shall be
986 known as the employees' retirement system of the City of Austin. After the first six
987 [~~(6)~~] months of employment, all municipal employees except the mayor, members
988 of the council, members of boards and commissions, employees of the fire
989 department, and part-time or temporary employees, shall become members of such
990 system. Such system shall be governed by a board of directors composed of such
991 members and selected in such a manner as may be provided by ordinance of the
992 council, provided that classified employees shall have representation on the board.
993 Such system shall be financed by a retirement fund created by contributions of the
994 members and of the city, and the contributions by the city shall always be equal to
995 or greater than the contributions of the members. The benefits payable to any
996 member upon retirement shall be based upon the amount of contributions made on
997 behalf of such member, and shall be determined on an actuarial basis. Upon

998 separation of any member from the service of the city before retirement, such
999 member shall be entitled to receive only the amount of his or her contributions to the
1000 fund and interest thereon.

1001 Establishment of the employees' retirement system shall not preclude the
1002 council from merging such system with, or adopting, any voluntary statewide or
1003 national retirement system where the general benefits of such merger or change are
1004 at least equal to those under the employees' retirement system. The council shall
1005 likewise not be precluded from consolidating any retirement system maintained by
1006 employees of the fire department with the employees' retirement system of the City
1007 of Austin under terms agreeable to both systems.

1008 § 6. - COUNCIL APPOINTEES.

1009 (A) Notwithstanding any other provision of this Charter:

1010 (1) each member of the city [~~City~~] council [~~Council~~] may hire assistants and other
1011 office staff as may be necessary to carry out the duties and responsibilities of the city
1012 council, and as may be authorized by ordinance;

1013 (2) each of the salaried city employees that this Charter provides be appointed by
1014 the city [~~City~~] council [~~Council~~] shall hire and manage the appointee's own staff as
1015 may be authorized by ordinance;

1016 (3) the city [~~City~~] council [~~Council~~] may by ordinance provide for the adoption of
1017 the personnel policies for the employees subject to this section.

1018 (B) If an officer or employee who is appointed by the city council under this charter,
1019 other than a judge of a municipal court, announces candidacy, or in fact becomes a
1020 candidate, in any general, special, or primary election, for any elective public office,
1021 the officer's or employee's announcement or candidacy is an automatic resignation
1022 of the office or employment.

1023 ARTICLE X. - PLANNING.

1024 § 4. - THE PLANNING COMMISSION — POWERS AND DUTIES.

1025 The planning commission shall:

1026 (1) Review and make recommendations to the council regarding the adoption
1027 and implementation of a comprehensive plan (as defined by section[~~Section~~] 5 of
1028 this article) or element or portion thereof prepared under authorization of the city

1029 council and under the direction of the city manager and responsible city planning
1030 staff;

1031 (2) After a comprehensive plan or element or portion thereof has been adopted
1032 in conformity with this article:

1033 (a) Review and make recommendation to the council on all amendments to the
1034 comprehensive plan or element or portion thereof;

1035 (b) Review and make recommendations to the council on all proposals to adopt
1036 or amend land development regulations for the purpose of establishing the
1037 relationship of such proposal to, and its consistency with, the adopted
1038 comprehensive plan or element or portion thereof. For purposes of this article and
1039 subsection, "land development regulations" includes zoning, subdivision, building
1040 and construction, environmental, and other police power regulations controlling,
1041 regulating, or affecting the use or development of land;

1042 (3) Pursuant to ordinances adopted by the council, exercise control over platting
1043 and subdividing land within the corporate limits and the extraterritorial jurisdiction
1044 of the city to insure the consistency of any such plats or subdivision with the adopted
1045 comprehensive plan or element or portion thereof;

1046 (4) Submit annually to the city manager, not less than 90~~ninety (90)~~ days prior
1047 to the beginning of the budget year, a list of recommended capital improvements,
1048 which in the opinion of the commission are necessary or desirable to implement the
1049 adopted comprehensive plan or element or portion thereof during the forthcoming
1050 five-year period;

1051 (5) Monitor and oversee the effectiveness and status of the comprehensive plan
1052 and recommend annually to the council any changes in or amendments to the
1053 comprehensive plan as may be desired or required;

1054 (6) Prepare periodic evaluation and appraisal reports on the comprehensive plan,
1055 which shall be sent to the council at least once every five [~~5~~] years after the
1056 adoption of the comprehensive plan or element or portion thereof;

1057 (7) Require information from the city manager relative to its work; The
1058 commission shall be responsible to and act as an advisory body to the council and
1059 shall perform such additional duties and exercise such additional powers as may be
1060 prescribed by ordinance of the council not inconsistent with the provisions of this
1061 Charter.

1062 § 5. - THE COMPREHENSIVE PLAN.

1063 The council shall adopt by ordinance a comprehensive plan, which shall
1064 constitute the master and general plan. The comprehensive plan shall contain the
1065 council's policies for growth, development and beautification of the land within the
1066 corporate limits and the extraterritorial jurisdiction of the city, or for geographic
1067 portions thereof including neighborhood, community or areawide plans. The
1068 comprehensive plan shall include the following elements: (1) a future land use
1069 element; (2) a traffic circulation and mass transit element; (3) a wastewater, solid
1070 waste, drainage and potable water element; (4) a conservation and environmental
1071 resources element; (5) a recreation and open space element; (6) a housing element;
1072 (7) a public services and facilities element, which shall include but not be limited to
1073 a capital improvement program; (8) a public buildings and related facilities element;
1074 (9) an economic element for commercial and industrial development and
1075 redevelopment; and (10) health and human service element.

1076 The council may also adopt by ordinance other elements as are necessary or
1077 desirable to establish and implement policies for growth, development and
1078 beautification within the city, its extraterritorial jurisdiction, or for geographic
1079 portions thereof, including neighborhood, community, or areawide plans. The
1080 council shall provide for financing of all elements contained in the comprehensive
1081 plan in accordance with law.

1082 The several elements of the comprehensive plan shall be coordinated and be
1083 internally consistent. Each element shall include policy recommendations for its
1084 implementation and shall be implemented, in part, by the adoption and enforcement
1085 of appropriate land development regulations.

1086 The planning commission shall forward the proposed comprehensive plan or
1087 element or portion thereof to the city manager, who shall thereupon submit such
1088 plan, or element or portion thereof, to the council with recommendations thereon.

1089 The council may adopt, or adopt with changes or amendments, the proposed
1090 comprehensive plan or element or portion thereof, after at least one public hearing.
1091 The council shall act on such plan, element or portion thereof, within 60~~[sixty-(60)]~~
1092 days following its submission by the city manager. If such plan or element or portion
1093 thereof is not adopted by the council, it shall, with policy direction, return such plan
1094 or element thereof the planning commission, which may modify such plan or
1095 element or portion thereof, and again forward it to the city manager for submission
1096 in like manner to the council. Furthermore, all amendments to the comprehensive
1097 plan or element or portion thereof recommended by the planning commission shall

1098 be forwarded to the city manager and shall be subject to review and adoption in the
1099 same manner as for the original adoption of the comprehensive plan as set forth
1100 above.

1101 § 7. - LEGAL EFFECT OF PRIOR COMPREHENSIVE PLAN.

1102 Any comprehensive plan or element or portion thereof adopted pursuant to the
1103 authority of Article X of this Charter or other law, but prior to the effective date of
1104 this amendment, shall continue to have such force and effect as it had at the date of
1105 its adoption and until appropriate action is taken to adopt a new comprehensive plan
1106 or element or portion thereof as required and authorized by this amendment.

1107 ARTICLE XI. - FRANCHISES AND PUBLIC UTILITIES.

1108 § 2. - POWER TO GRANT FRANCHISE.

1109 The council shall have the power by ordinance to grant, renew, and extend all
1110 franchises of all service providers placing or installing facilities or equipment in, on
1111 or over the city~~[City]~~ rights of way and of all public utilities of every character
1112 operating within the city, and, with consent of the franchise holder, to amend the
1113 same; ~~provided~~~~[- Provided]~~, however, that no franchise shall be granted for a term
1114 of more than 25~~[twenty-five (25)]~~ years, and that no franchise shall be granted,
1115 renewed, extended, or amended, except on condition that the city shall have the right
1116 at any time within five ~~[(5)]~~ years of the expiration of the term thereof to purchase
1117 the property of the franchise holder at a price to be determined according to the
1118 method agreed upon in the ordinance granting, renewing, extending, or amending
1119 the franchise.

1120 § 3. - ORDINANCE GRANTING FRANCHISE.

1121 Every ordinance granting, renewing, extending, or amending a franchise shall
1122 be read at three ~~[(3)]~~ regular meetings of the council, and shall not be finally acted
1123 upon until 30~~[thirty (30)]~~ days after the first reading thereof. Within five ~~[(5)]~~ days
1124 following each of the three ~~[(3)]~~ readings of the ordinance, the full text thereof shall
1125 be published one time in some newspaper of general circulation in the city, and the
1126 expense of such publication shall be borne by the prospective franchise holder. No
1127 such ordinance shall become effective until the expiration of 60~~[sixty (60)]~~ days
1128 following the date of its final adoption by the council, and every such ordinance shall
1129 be subject to the referendum procedure provided by state law.

1130 § 6. - REGULATION OF RATES.

The council shall have full power after notice and hearing to regulate by ordinance the rates, charges, and fares of every franchise holder operating in the city to the fullest extent allowed by state and federal law; provided, however, [Provided] that no such ordinance shall be passed as an emergency measure. Any franchise holder requesting an increase in its rates, charges, or fares shall have, at the hearing on such request, the burden of establishing by clear and convincing evidence the value of its investments and the amount and character of its expenses and revenues. No franchise holder shall institute any legal action to contest any rate, charge, or fare fixed by the council until such franchise holder has filed a motion for rehearing with the council specifically setting out each ground of its complaint against the rate, charge or fare fixed by the council, and until the council shall have acted upon such motion.

ARTICLE XII. - GENERAL PROVISIONS.

§ 3. - NOTICE OF CLAIMS.

Before the City of Austin shall be liable for damages for the death or personal injuries of any person or for damage to or destruction of property of any kind, which does not constitute a taking or damaging of property under Article I, Section 17, Constitution of Texas, the person injured, if living, or his or her representatives, if dead, or the owner of the property damaged or destroyed, shall give the city council or city manager notice in writing of such death, injury, damage or destruction, duly verified by affidavit, within 45~~forty-five (45)~~ days after same has been sustained, stating specifically in such written notice when, where, and how the death, injury, damage or destruction, occurred, and the apparent extent of any such injury, the amount of damages sustained, the actual residence of the claimant by street and number at the date the claim is presented, the actual residence of such claimant for six ~~(6)~~ months immediately preceding the occurrence of such death, injury, damage or destruction, and the names and addresses of all witnesses upon whom it is relied to establish the claim for damages; and the failure to so notify the council or city manager within the time and manner specified herein shall exonerate, excuse and exempt the city from any liability whatsoever. No act of any officer or employee of the city shall waive compliance, or estop the city from requiring compliance, with the provisions of this section as to notice, but such provisions may be waived by resolution of the council, made and passed before the expiration of the 45-day~~forty-five-day~~ period herein provided, and evidenced by minutes of the council.

§ 6. - ASSIGNMENT, EXECUTION AND GARNISHMENT. The property, real and personal, belonging to the city~~City~~ shall not be liable for sale or appropriation under any writ of execution. The funds belonging to the city~~City~~, in the hands of

any person, firm, or corporation, shall not be liable to garnishment, attachment, or sequestration; nor shall the city[City] be liable to garnishment on account of any debt it may owe or funds or property it may have on hand or owing to any person. Neither the city[City] nor any of its officers or agents shall be required to answer any such writ of garnishment on any account whatever unless specifically exempted by statute. The city[City] shall not be obligated to recognize any assignment of wages or funds by its employees, agents or contractors.

§ 12. - INTERIM MUNICIPAL GOVERNMENT.

From and after the date of the adoption of any amendment to this Charter and until the completion of the first city election thereunder and the qualification of the mayor and council members therein elected, the mayor and council members then in office shall continue in office and shall exercise all of the powers conferred upon the city by such amendment.

PART 5. A special municipal election shall be held in the City on November 6, 2018, to submit to the voters of the city a proposed citizen-initiated ordinance regarding whether there must be both a waiting period and subsequent voter approval before any comprehensive revisions of the City's land development laws may go into effect. The ballot shall be prepared to permit voting "Yes" or "No" on the Proposition:

Proposition C: Ballot language to be determined.

PART 6. If the proposition provided in Part 5 is approved by the majority of voters voting at the election, the City Code is amended to read as follows:

ARTICLE ____. _____.

§ _____ **REQUIRED WAITING PERIOD AND VOTER REFERENDUM
FOR COMPREHENSIVE REVISIONS OF THE CITY'S LAND
DEVELOPMENT LAWS.**

- (A) Waiting Period. CodeNEXT, or subsequent comprehensive revisions of the land development laws, shall not go into effect legally, or any land entitlements be granted or vested under these laws, until the June 1st following the next regularly scheduled council elections after Council adopts CodeNEXT or the comprehensive revisions. This waiting period is to ensure voters can learn about the proposed comprehensive revisions and elect council members with sufficient time to amend or reject the

prior council's adopted comprehensive revisions before these laws may go into effect.

(B) Voter Approval. After the waiting period in Subsection (A), CodeNEXT, or subsequent comprehensive revisions of the land development laws, shall not go into effect, or any land entitlements be granted or vested under these laws, until the registered voters of Austin approve these laws at the next available municipal election. Voters shall approve or disapprove CodeNEXT, or subsequent comprehensive revisions, in its entirety and not piecemeal. Should the voters fail to approve the comprehensive revisions, then the existing land development laws remain in effect. Notwithstanding any other provision, under no circumstances shall the voters' rejection of CodeNEXT or proposed comprehensive revisions under this Section be considered or interpreted as repealing the existing land development code.

(C) This section overrides all city charter provisions, ordinances, and laws and should be liberally construed to uphold Austin citizens' sovereign rights to control their government and laws.

(D) Severability Clause. If any provision of this ordinance or its application to any person or circumstance is held invalid, the invalidity does not affect other provisions or applications of this Act that can be given effect without the invalid provision or application, and to this end the provisions of this act are declared to be severable.

PART 7. A special election shall be held in the City of Austin on November 6, 2018, for the voters to consider the issuance of general obligation bonds. The Council establishes that the following bond propositions shall be presented to the voters at the special bond election.

Proposition D (Affordable Housing)

CITY OF AUSTIN, TEXAS PROPOSITION D

Shall the City Council of the City of Austin, Texas be authorized to issue general obligation bonds and notes of the City for the public purposes of planning, designing, acquiring, constructing, renovating, improving, and equipping affordable housing facilities and related infrastructure for low and moderate income persons and families; acquiring land and interests in land and property necessary for such

1241 purposes; funding affordable housing and home repair programs as may
1242 be permitted by law; funding loans and grants for such purposes; and
1243 all matters necessary or incidental thereto; with the bonds and notes to
1244 be issued in one or more series or issues, in the aggregate principal
1245 amount of \$250,000,000, to mature serially or otherwise and bear
1246 interest at a rate or rates not to exceed the respective limits prescribed
1247 by law at the time of issuance, and to be sold at the price or prices as
1248 the City Council determines and shall there be levied and pledged,
1249 assessed, and collected annually ad valorem taxes on all taxable
1250 property in the City in an amount sufficient, within the limits prescribed
1251 by law, to pay the annual interest on the bonds and notes and to provide
1252 a sinking fund to pay the bonds and notes at maturity?

1253 **Proposition E (Libraries, Museums and Cultural Arts Facilities)**

1254 CITY OF AUSTIN, TEXAS PROPOSITION E

1255 Shall the City Council of the City of Austin, Texas be authorized to
1256 issue general obligation bonds and notes of the City for the public
1257 purposes of planning, designing, acquiring, constructing, renovating,
1258 improving, and equipping libraries, museums, and cultural arts
1259 facilities, which include creative spaces dedicated to the creation,
1260 exhibition, or preservation of art and creative expression; acquiring
1261 land and interests in land and property for such purposes; and all
1262 matters necessary or incidental thereto; with the bonds and notes to be
1263 issued in one or more series or issues, in the aggregate principal amount
1264 of \$128,000,000, to mature serially or otherwise and bear interest at a
1265 rate or rates not to exceed the respective limits prescribed by law at the
1266 time of issuance, and to be sold at the price or prices as the City Council
1267 determines and shall there be levied and pledged, assessed, and
1268 collected annually ad valorem taxes on all taxable property in the City
1269 in an amount sufficient, within the limits prescribed by law, to pay the
1270 annual interest on the bonds and notes and to provide a sinking fund to
1271 pay the bonds and notes at maturity?

1272 **Proposition F (Parks and Recreation)**

1273 CITY OF AUSTIN, TEXAS PROPOSITION F

1274 Shall the City Council of the City of Austin, Texas, be authorized to
1275 issue general obligation bonds and notes of the City for park and

recreation purposes, to wit: planning, designing, acquiring, constructing, renovating, improving and equipping public parks, recreation centers and other park buildings and infrastructure, natural areas, and other related facilities, including, without limitation, playgrounds, hike and bike trails, athletic fields, swimming pools, sports and aquatics facilities, and related parking lot and roadway infrastructure; acquiring land and interests in land and property necessary for such purposes; and all matters necessary or incidental thereto; with the bonds and notes to be issued in one or more series or issues, in the aggregate principal amount of \$149,000,000, to mature serially or otherwise and bear interest at a rate or rates not to exceed the respective limits prescribed by law at the time of issuance, and to be sold at the price or prices as the City Council determines and shall there be levied and pledged, assessed, and collected annually ad valorem taxes on all taxable property in the City in an amount sufficient, within the limits prescribed by law, to pay the annual interest on the bonds and notes and to provide a sinking fund to pay the bonds and notes at maturity?

Proposition G (Flood Mitigation, Open Space and Water Quality Protection)

CITY OF AUSTIN, TEXAS PROPOSITION G

Shall the City Council of the City of Austin, Texas, be authorized to issue general obligation bonds and notes of the City for the public purposes of planning, designing, acquiring, constructing, and installing improvements and facilities for flood mitigation and control, erosion control, water quality, water quantity, and storm-water drainage and acquiring land, open spaces and interests in land and property for the conservation, preservation and protection of natural areas and the region's water quality; and all matters necessary or incidental thereto; with the bonds and notes to be issued in one or more series or issues, in the aggregate principal amount of \$184,000,000, to mature serially or otherwise and bear interest at a rate or rates not to exceed the respective limits prescribed by law at the time of issuance, and to be sold at the price or prices as the City Council determines and shall there be levied and pledged, assessed, and collected annually ad valorem taxes on all taxable property in the City in an amount sufficient, within the limits prescribed by law, to pay the annual interest on the bonds and notes and to provide a sinking fund to pay the bonds and notes at maturity?

1313 **Proposition H (Public Safety)**

1314 CITY OF AUSTIN, TEXAS PROPOSITION H

1315 Shall the City Council of the City of Austin, Texas be authorized to
1316 issue general obligation bonds and notes of the City for public safety
1317 purposes, to wit: planning, designing, renovating, improving, and
1318 equipping existing fire department facilities and existing
1319 emergency medical service facilities in the City; and all matters
1320 necessary or incidental thereto; with the bonds and notes to be issued
1321 in one or more series or issues, in the aggregate principal amount of
1322 \$38,000,000, to mature serially or otherwise and bear interest at a
1323 rate or rates not to exceed the respective limits prescribed by
1324 law at the time of issuance, and to be sold at the price or prices as
1325 the City Council determines and shall there be levied and
1326 pledged, assessed, and collected annually ad valorem taxes on all
1327 taxable property in the City in an amount sufficient, within the limits
1328 prescribed by law, to pay the annual interest on the bonds and notes and
1329 to provide a sinking fund to pay the bonds and notes at maturity?

1330 **Proposition I (Transportation Infrastructure)**

1331 CITY OF AUSTIN, TEXAS PROPOSITION I

1332 Shall the City Council of the City of Austin, Texas, be authorized to
1333 issue general obligation bonds and notes of the City for transportation
1334 and mobility purposes, to wit: planning, designing, constructing,
1335 reconstructing, equipping and improving roads, streets, intersections,
1336 sidewalks, bridges, urban trails, and related utility and drainage
1337 infrastructure; improving traffic signal synchronization and
1338 communications and control systems; acquiring and installing traffic
1339 signals and related technology; acquiring land and interests in land and
1340 property necessary for such purposes; and all matters necessary or
1341 incidental thereto; with the bonds and notes to be issued in one or more
1342 series or issues, in the aggregate principal amount of \$160,000,000, to
1343 mature serially or otherwise and bear interest at a rate or rates not to
1344 exceed the respective limits prescribed by law at the time of issuance,
1345 and to be sold at the price or prices as the City Council determines and
1346 shall there be levied and pledged, assessed, and collected annually ad
1347 valorem taxes on all taxable property in the City in an amount
1348 sufficient, within the limits prescribed by law, to pay the annual interest

1349 on the bonds and notes and to provide a sinking fund to pay the bonds
1350 and notes at maturity?

1351 **Proposition J (Health and Human Services)**

1352 CITY OF AUSTIN, TEXAS PROPOSITION J

1353 Shall the City Council of the City of Austin, Texas be authorized to
1354 issue general obligation bonds and notes of the City for the public
1355 purposes of planning, designing, acquiring, constructing and
1356 equipping a new health and human services facility for the Dove
1357 Springs area to be owned and operated by the City; acquiring land
1358 and interests in land and property necessary for such purposes; and
1359 all matters necessary or incidental thereto; with the bonds and notes
1360 to be issued in one or more series or issues, in the aggregate principal
1361 amount of \$16,000,000, to mature serially or otherwise and bear
1362 interest at a rate or rates not to exceed the respective limits
1363 prescribed by law at the time of issuance, and to be sold at the price or
1364 prices as the City Council determines and shall there be levied
1365 and pledged, assessed, and collected annually ad valorem taxes on
1366 all taxable property in the City in an amount sufficient, within the
1367 limits prescribed by law, to pay the annual interest on the bonds and
1368 notes and to provide a sinking fund to pay the bonds and notes at
maturity?

1369 **PART 8.** The Propositions will appear on the official ballot in substantially the
1370 following form, and the ballot shall be prepared to permit voting “for” or “against”
1371 each Proposition:

1372 CITY OF AUSTIN, TEXAS SPECIAL ELECTION
1373 CITY OF AUSTIN, TEXAS PROPOSITION D

1374
1375 The issuance of \$250,000,000 in tax supported general obligation
1376 bonds and notes for constructing, renovating, improving, and equipping
1377 affordable housing facilities for low income and moderate income
1378 persons and families, and acquiring land and interests in land and
1379 property necessary to do so, and funding affordable housing programs
1380 as may be permitted by law; and the levy of a tax sufficient to pay for
1381 the bonds and notes.

1382 CITY OF AUSTIN, TEXAS SPECIAL ELECTION
1383 CITY OF AUSTIN, TEXAS PROPOSITION E

1384 The issuance of \$128,000,000 in tax supported general obligation
1385 bonds and notes for constructing, renovating, improving, and equipping
1386 community and cultural facilities, libraries, museums, and cultural and
1387 creative arts facilities, and acquiring land and interests in land and
1388 property necessary to do so; and the levy of a tax sufficient to pay for
1389 the bonds and notes.

1390 CITY OF AUSTIN, TEXAS SPECIAL ELECTION
1391 CITY OF AUSTIN, TEXAS PROPOSITION F

1392 The issuance of \$149,000,000 in tax supported general obligation
1393 bonds and notes for constructing, renovating, improving and equipping
1394 public parks, recreation centers, natural areas, and other related
1395 facilities, including, without limitation, playgrounds, hike and bike
1396 trails, sports courts, and swimming pools, and acquiring land and
1397 interests in land and property necessary to do so; and the levy of a tax
1398 sufficient to pay for the bonds and notes.

1399 CITY OF AUSTIN, TEXAS SPECIAL ELECTION
1400 CITY OF AUSTIN, TEXAS PROPOSITION G

1401 The issuance of \$184,000,000 in tax supported general obligation
1402 bonds and notes for flood mitigation, open space and water quality and
1403 quantity for designing, constructing, and installing improvements and
1404 facilities for flood control, erosion control, water quality, water
1405 quantity, and storm-water drainage, and acquiring land, open spaces,
1406 and interests in land and property necessary to do so; and the levy of a
1407 tax sufficient to pay for the bonds and notes.

1408 CITY OF AUSTIN, TEXAS SPECIAL ELECTION
1409 CITY OF AUSTIN, TEXAS PROPOSITION H

1410 The issuance of \$38,000,000 tax supported general obligation bonds
1411 and notes for renovating, improving, and equipping existing public
1412 safety facilities, including without limitation fire and emergency
1413 medical services stations, buildings, and other related facilities; and the
1414 levy of a tax sufficient to pay for the bonds and notes.

1415 CITY OF AUSTIN, TEXAS SPECIAL ELECTION
1416 CITY OF AUSTIN, TEXAS PROPOSITION I

The issuance of \$160,000,000 in tax supported general obligation bonds and notes for planning, constructing, reconstructing, and improving roads, streets, intersections, sidewalk, bridges, urban trails and related utility and drainage infrastructure for the roads and streets; improving traffic signal synchronization and control systems; acquiring and installing traffic signals; and acquiring land and interests in land and property necessary to do so; and the levy of a tax sufficient to pay for the bonds and notes.

CITY OF AUSTIN, TEXAS SPECIAL ELECTION
CITY OF AUSTIN, TEXAS PROPOSITION J

The issuance of \$16,000,000 in tax supported general obligations bonds and notes for constructing, reconstructing, improving, and equipping a public health and human services facility in the Dove Springs area; and the levy of a tax sufficient to pay for the bonds and notes.

PART 9. Pursuant to Section 3.009, Texas Election Code: (i) the proposition language that will appear on the ballot is set forth in Part 8 hereof, (ii) the purposes for which the bonds and notes are to be authorized are set forth in Part 7 hereof, (iii) the principal amount of bonds and notes to be authorized is set forth in Part 7 hereof, (iv) if the issuance of bonds and notes is authorized by voters, taxes sufficient, within the limits prescribed by law, to pay the annual principal of and interest on the bonds and notes and to provide a sinking fund to pay the bonds and notes may be imposed, as set forth in Part 7 hereof, (v) bonds and notes authorized pursuant to this ordinance may be issued to mature over not to exceed 40 years from their date of issuance and bearing interest at the rate or rates (not to exceed 15%), as authorized by law and determined by the Council, (vi) as of the beginning of the City's current fiscal year, the aggregate amount of outstanding principal of the City's debt obligations was \$1,378,485,000 and the aggregate amount of outstanding interest on the City's debt obligations was \$494,427,000, and (vii) the City's ad valorem debt service tax rate as of the date of adoption of this ordinance is \$.1055 per \$100 of taxable property.

Based upon market conditions as of the date of this ordinance and using taxable assessed values for the 2017 tax year (2017/2018 fiscal year), without adjustment for anticipated growth in taxable assessed value in future years, if the bonds and notes are authorized, the estimated total tax rate of the City is expected to be approximately \$.5440 per \$100 of taxable assessed value, (which represents an increase of \$.0992 per \$100 taxable assessed valuation as compared to the City's total tax rate as of the date of the adoption of this ordinance), based on current State law, which is subject to change. The estimated total tax rate represents the sum of

(i) the most recently adopted tax rate for operations and maintenance, which is \$.3393 per \$100 of taxable assessed valuation, plus (ii) the estimated tax rate for debt obligations of the City, including the bonds and notes, which is expected to be approximately \$.2047 per \$100 of taxable assessed valuation.

If approved by voters, the bonds and notes will be secured by an ad valorem tax that is sufficient, within the limits prescribed by law, to pay the principal of and interest on the bonds and notes and to provide a sinking fund to pay the bonds and notes. Actual tax rates, interest rates, maturity dates, aggregate outstanding indebtedness and interest on such debt, will only be established and known at the time that bonds and notes are issued. In addition, actual tax rates will depend upon, among other factors, the assessed valuation of taxable property, prevailing interest rates, the market for the City's bonds and notes and general market conditions at the time that bonds and notes are issued.

The estimated tax rates and other statements contained in this Part 4 are (i) based on certain assumptions (including assumptions concerning prevailing market and economic conditions at the time(s) of issuance of the bonds and notes) and derived from projections obtained from the City's financial advisor, (ii) subject to change to the extent that actual facts, circumstances and conditions prevailing at the time that the bonds and notes are issued differ from such assumptions and projections, (iii) provided solely in satisfaction of the requirements of Section 3.009, Texas Election Code, and for no other purpose, without any assurance that such projections will be realized, and (iv) not intended to give rise to a contract with voters or limit the authority of the Council to issue bonds and notes in accordance with the propositions submitted herein.

If the issuance of bonds and notes is approved by a majority of the voters voting on the proposition to issue bonds and notes for affordable housing (Proposition A), funding of affordable housing projects shall be in accordance with guidelines of the City relating to affordable housing now and hereafter existing, including but not limited to guidelines for rental housing, home ownership and home repair. The guidelines have been developed by staff after consulting with bond counsel and are submitted to the Public Finance Division of the Office of the Attorney General of Texas to assist in the Division's statutorily-required review of proceedings relating to the issuance of public securities. The guidelines governing affordable housing projects comprise a program established in part under authority of Chapter 380 of the Texas Local Government Code, relating to the issuance of ad valorem tax supported obligations for this purpose, and Council affirms this program, the guidelines governing the program and their application to the issuance of bonds and notes for affordable housing purposes.

PART 10. The election shall be conducted between the hours of 7:00 a.m. and 7:00 p.m. The precincts and locations of the election day polling places; the dates, hours, and locations of the early voting places; and the names of the officers appointed to conduct the election are provided in Exhibits A-D attached and incorporated as a part of this ordinance.

PART 11. A direct electronic recording voting system, as the term is defined in Title 8 of the Texas Election Code, shall be used for early voting and for voting conducted on election day. The central counting station is established at the Travis County Elections Division, 5501 Airport Boulevard, Austin, Texas.

PART 12. (a) Notice of this election shall be given by posting and publishing a copy of this ordinance in both English and Spanish. The notice and a copy of this ordinance shall be posted, in both English and Spanish, in three public places and at the City Hall notice kiosk not later than the 21st day before election day. The copy of the notice posted at City Hall shall be accompanied by a cover page, at the top of which shall appear the words “MUNICIPAL GENERAL AND SPECIAL ELECTIONS, NOVEMBER 6, 2018.” Notice of this election shall be published, not earlier than the 30th day before the date of the election, in a newspaper of general circulation on the same day in each of two successive weeks, with the first publication occurring before the 14th day before the date of the election.

(b) A copy of this ordinance shall be posted, in both English and Spanish, on election day and during early voting by personal appearance, in a prominent location at each polling place.

(c) This ordinance, together with the notice of election and the contents of the Propositions, shall be posted on the City’s website, in both English and Spanish, during the twenty-one (21) days before the election.

PART 13. In accordance with Chapter 271 of the Texas Election Code, the November 6, 2018 municipal election may be held jointly with the various political subdivisions that share territory with the City of Austin and that are holding elections on that day. The City Clerk may enter and sign joint election agreements with other political subdivisions for this purpose, and their terms as stated in the agreements are hereby adopted.

PART 14. The Council finds that the need to immediately begin required preparations for this election constitutes an emergency. Because of this emergency, this ordinance takes effect immediately on its passage for the immediate preservation of the public peace, health, and safety.

1527 **PASSED AND APPROVED**

1528

1529 §

1530 §

1531 _____, 2018 § _____

1532 Steve Adler

1533 Mayor

1534

1535

1536 **APPROVED:** _____ **ATTEST:** _____

1537 Anne L. Morgan

1538 City Attorney

1539 Jannette S. Goodall

1540 City Clerk

1541

1542

1543

1544

1545

1546

1547

1548

1549

1550

1551

1552

1553

1554

1555

Exhibits A – D (to be updated)

1556

1557 *Exhibit A: Election Day Polling Places*

1558 *Exhibit B: Main Early Voting Location Information*

1559 *Exhibit C: Early Voting Polling Places*

1560 *Exhibit D: Election Services Contract*

1561

1562