

12 pages
+ 3 attached
documents

Carlos León

9/30/19

TO: Ms. Stephanie Hall, Boards & Commissions

Re: Library Commission chair/presiding officer Catherine Hanna unlawfully did not recognize me to speak on agenda items 6b and 9 by enforcing a non-existent rule to unlawfully chill my free speech expression & participation in the Library Commission meeting, violating City rules & State/U.S. Constitutional law.

11 of 12

Date of Incident : Sept. 23, 2019

Location : Carver library

Description of Incident : AS soon as Item 6b was called by chair/presiding officer Catherine Hanna, I spoke up loud & clear, telling everyone in attendance that I wanted to speak on Item 6b and that I tried to sign up to do so at the beginning of the meeting, but was not allowed to do so by staff liason Sharon Herfurth.

When chair/presiding officer Hanna refused to recognize me to speak →

because I did not sign up for Item 6b before the meeting started, I immediately appealed her wrong unlawful decision to Parliamentarian Steven Self, asking him directly what Library Commission bylaw required me to sign up to speak for agenda items before the meeting started.

Parliamentarian Self replied, "City rule" because there is no Library Commission bylaw requiring me to sign up to speak on agenda items before the meeting started (See attached bylaws).

However, Self's statement was false because there is no City rule requiring me to sign up to speak for agenda items before the Library Commission meeting starts.

In fact, according to PROCEDURES FOR AUSTIN CITY COUNCIL MEETINGS PUBLIC HEARINGS AND APPEALS § 1-1-9 SPEAKER REGISTRATION AND SPEAKER TIME Part B, a person may register to speak on an agenda item after the meeting has started as long as he or she

(2 of 2)

registers before the last person who
has registered to testify on the
item has begun to testify.

Therefore, because the last registered
person cannot testify on an item
before that item is called by the
presiding officer/chair, I had the
legal right to sign up to speak
on items 6b and 9 before they
were called whether or not
anyone else signed up to speak
on them, even though the meeting
had already started.

Therefore, Parliamentarian Self made
a false statement to unlawfully
deny me my right to sign up for
& speak to item 6b & 9
which chair/presiding officer Hannel
heard & wrongly supported with
her wrongful words & actions
instead of rightly correct with
the truth & following the rules & law.

In fact, the Texas Citizen Participation
Act shall be construed liberally to
encourage and safeguard my
constitutional rights to speak freely
and otherwise participate in
government to the maximum
extent permitted by law, per

(2 of 12)

Texas Civil Practices & Remedies
Codes 27.002 + 27.001.

Yet, when I explicitly cited the
Texas Citizens Participation Act
+ its safeguards to chair/
presiding officer Hanna, she
blatantly + intentionally
disregarded it, as if her

pathetic little power as chair,
per Robert's Rules of Order,
overrules City rules + State law,
though the opposite is true,

per City Code 2-1-1(c).

Therefore, because Library Commission
meetings are official proceedings of
City government, "exercise of the
right of free speech" means a
communication with a matter of
public concern. "communication"
includes making oral statements,
and "matter of public concern"
includes issues related to the
government, per Texas Civil
Practices & Remedies Codes
27.001 (1), (2), (7), + (8), I
had the legal right to sign up
for + speak on Items 66 and 9.

(1 of 12)

(5 of 12)

In fact, per PROCEDURES FOR AUSTIN CITY COUNCIL MEETINGS, PUBLIC HEARINGS AND APPEALS §1-1-9 SPEAKER REGISTRATION AND SPEAKER TIME, part (c), I am not limited in the number of items on which I can register to testify.

Also, per §1-1-9(D), I should have been granted three minutes to speak on Item 6b and three minutes to speak on Item 9.

Therefore, because PROCEDURES FOR AUSTIN CITY COUNCIL MEETINGS, PUBLIC HEARINGS AND APPEALS, and the Texas Citizens Participation Act have been effective for more than two years, and chair/presiding officer Hanna has been a Library Commission member for more than two years, she is expected to know & follow city rules & state law to facilitate citizen participation at Library Commission meetings, which is part of the business of those meetings, not say & do the exact opposite, especially as chair/presiding officer.

Though Hanna has been chair/presiding
U

officer for less than two years
she has had many opportunities
to observe former chair Chad
Williams do the job correctly &
lawfully before her. Also, since
Mr. Williams is still a member of
the Library Commission, she has
the opportunity to seek wisdom
& guidance from him any time.

Therefore, if Ms. Hanna did not know
the rules & law, she is too
incompetent to be chair.

However, if she did know the rules &
law, then she intentionally discriminated
against me, which is illegal, &
unacceptable, and legal ground to remove her
from the chair.

Either way, Hanna did not
fairly & impartially administer the rules
of order and did not enable the
timely & substantial participation of
Austin's citizens to well serve
Austin's exercise of representative
democracy, though City Council
requires her to do so per §1-1-1
CIT(3) of the PROCEDURES
FOR AUSTIN CITY COUNCIL
MEETINGS,



PUBLIC HEARINGS, AND APPEALS.

(7 of 12)
Therefore, for the Sept, 23, 2019 meeting, under chair/presiding officer, Hanna's leadership failure, the Library Commission unofficially adopted special rules of procedure that were not required. Though boards may adopt special rules of procedure as required, violating City Code 2-1-44 (D).

Worse, those unofficial special rules of procedure violated City rules, state law, & federal law, though special rules of procedure may not conflict with state or federal law, the Commission's bylaws, or the City Code, per 2-1-44 (D).

Also, Chair/presiding officer Hanna violated her oath of office at the Sept. 23, 2019 meeting, though 2-1-21 (F) requires each Commission member to have signed a written acknowledgment stating the person has taken the oath of office.

Specifically, Hanna solemnly swore or affirmed to faithfully execute the duties of the office of the Austin Library Commission of the State of

Texas and to the best of her ability preserve, protect, and defend the Constitution and laws of the United States and of this State, so help her God.

(p 64-121)

However by illegally implementing & enforcing the unofficial special rules of procedure, Hanna violated the Texas Citizens Participation Act, the U.S. Constitution's First Amendment ^{Free Speech} clause, the U.S. Constitution's 14th Amendment's Due Process clause & Equal Protection clause, & Texas Constitution Art. I, § 8 to not to the best of her ability preserve, protect, and defend the Constitution and laws of the United States and of this State, so help her ~~God~~.

In fact, Hanna did the exact opposite, attacking the Constitution and laws of the United States and of this State to the best of her ability, so hurt her God.

Hanna violated 2-1-21 (F) because she did not comply with the City's ethics & personal responsibility guidelines, though she signed a written acknowledgment stating she

had received a copy of + agreed to
comply with the City's ethics +
personal responsibility guidelines, ~~per~~
per 2-1-21(A).

(9 of 12)

Per <http://www.cityofaustin.org/edims/document.cfm?id=114601> The
Ethics for City of Austin Boards
and Commissioners workbook document
says, in part:

"To ensure a fair and open government,
as a board or commission member,
you are subject to certain laws and
regulations concerning your conduct...

These laws signify the seriousness of
the work you are about to undertake...

Violating the laws that govern your
conduct as a public servant can result
in more than public embarrassment -
it can result in criminal liability..."

Therefore, despite being explicitly warned
when being trained to be a
commissioner, Hanna abused her
official capacity to officially oppress me
violating Texas Penal Codes 39.02
+ 39.03.

Also, the Ethics for City of Austin →

Boards and Commissions training workbook document says with respect to personal judgment that:

"If you do not feel that you can separate your personal feelings from a decision, you are free to refuse yourself."

(10 of 12)

However, Hanna did not refuse herself, though she appeared unable to separate her personal feelings against me from her stupid, illegal decision to not recognize my legal rights to sign up for & speak to Items 6B and 9 ~~that~~ that City rules & state & federal law safeguard.

Therefore, Hanna violated 2-1-48(B)(1) because Hanna created & fomented disorder, though 2-1-48(B)(1) says the presiding officer should maintain order.

Also, Hanna violated 2-1-48(B)(2) because she did not exercise the presiding officer's authority impartially, though 2-1-48(B)(2) says the presiding officer should exercise the officer's authority impartially.

(11 of 12)

In addition, by saying & doing the exact opposite what she is legally bound to do & say to illegally chill any participation & free speech at the Library Commission meeting, she is also guilty of viewpoint discrimination another First Amendment violation of the Free Speech clause.

Therefore, Hanna needs to be legally held accountable for her alleged criminal behavior so that she NEVER again tries gaslighting or illegally silencing me ~~any~~ or any other member of the public. She is legally bound to serve, per Texas Penal Code 1.07(a)(4)(A).

Worse, Hanna apparently has not heeded the previous two complaints against her for similar chilling of free speech that was illegal, and has not heeded any coaching and/or punishment from the Office of the City Clerk re: those two complaints that were previously filed with the Office of the City Clerk against Hanna for her unlawful behavior at the July 2019 & August 2019 Library Commission meetings.

Therefore, this is the third straight month of allegedly criminal behavior.

by chair Hanna, meaning Hanna must
be legally removed from the chair
position ASAP and for the
Library Commission will need to
be dissolved because Hanna's
ass-backwards unConstitutional
illegal speech & actions are not
acceptable, will not be tolerated,
& must not continue.

Carlos León
Carlos León

(12 of 12)



LIBRARY COMMISSION
September 23, 2019 – 6:30 PM
Carver Branch
1161 Angelina St.
AUSTIN, TEXAS

The Library Commission shall make recommendations to the city council on matters relating to the establishment, maintenance, and operation of the public libraries. Section 2-1-150 of the City Code.

Patricia Dabbert, JC Dwyer, Aimee Finney, Catherine Hanna, Deborah Pardo-Kaplan, Daniella Ramos, Steven Self, Beth Smyer, and Chad Williams

AGENDA

CALL TO ORDER

1. Citizen Communication: General

The first 5 speakers signed up prior to the meeting being called to order will each be allowed a three-minute allotment to address their concerns regarding items not posted on the agenda.

2. Approval of Minutes from the August 26, 2019 Regular Meeting

3. Welcome and Introduction of Carver Branch Manager, Doreen Boyd

4. Briefing: Summer Reading Wrap-Up: Sharon Herfurth, Division Manager, Office of Programs & Partnerships

5. Old Business: none

6. New Business:

- a. Discussion of briefing and agenda topics for future meetings, October – December 2019
- b. Discussion and possible action a Recommendation to add a youth member to the Library Commission

7. Discussion of Director's Monthly Report for September 2019 covering programming highlights, facilities, policies, and APL Priorities.

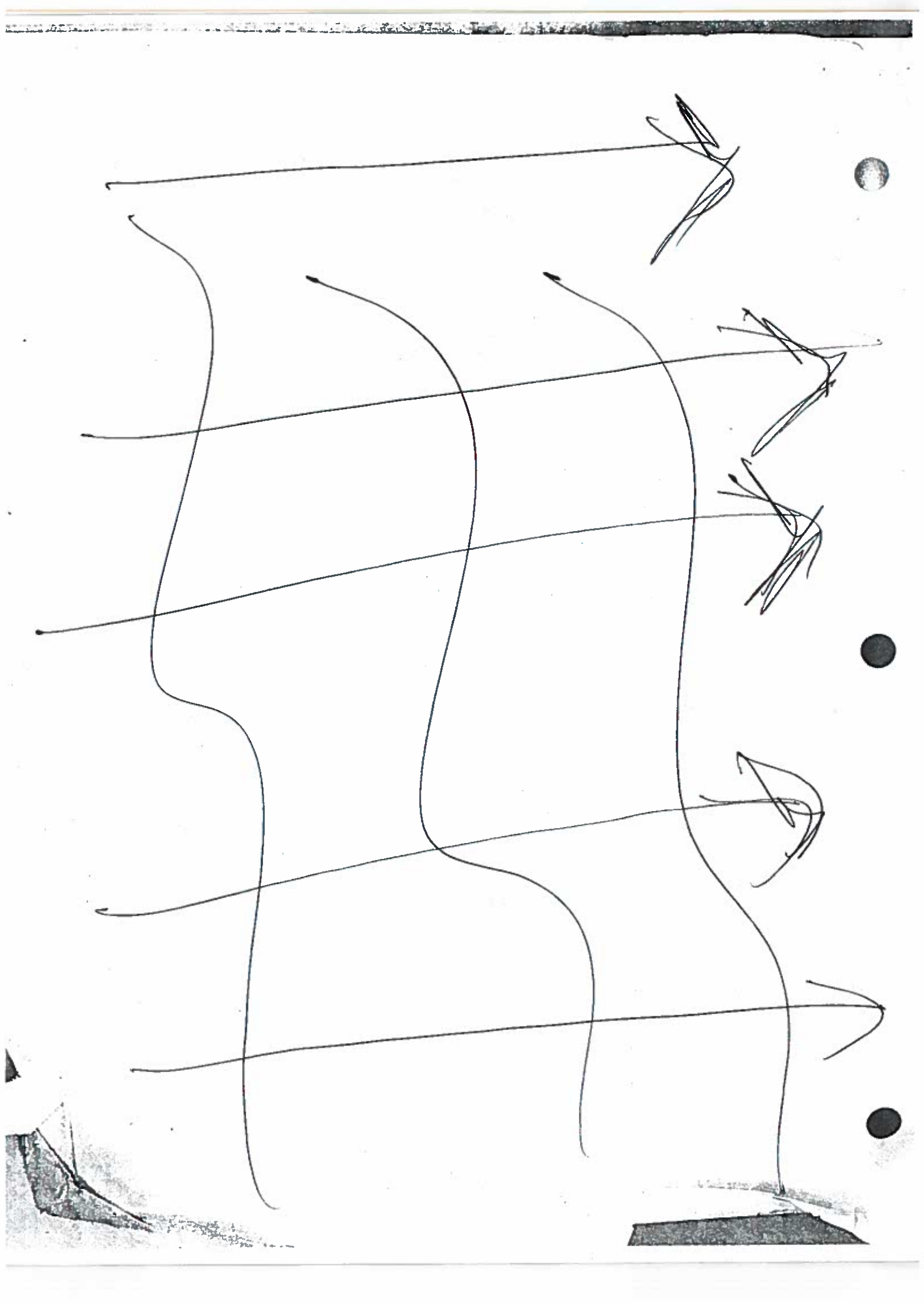
8. Discussion of commissioner visits to branch libraries

9. Future Agenda Items

ADJOURNMENT

The City of Austin is committed to compliance with the Americans with Disabilities Act. Reasonable modifications and equal access to communications will be provided upon request. Meeting locations are planned with wheelchair access. If requiring Sign Language Interpreters or alternative formats, please give notice at least 2 days before the meeting date. Please call Sharon Herfurth at the Library Department, at 512- 974-7420 for additional information; TTY users route through Relay Texas at 711.

For more information on the Library Commission, please contact Sharon Herfurth at 512- 974-7420 or sharon.herfurth@austintexas.gov



**BYLAWS OF THE
Library Commission**

ARTICLE 1. NAME.

The name of the board is Library Commission.

ARTICLE 2. PURPOSE AND DUTIES.

The purpose of the board is make recommendations to the City Council on matters relating to the establishment, maintenance, and operation of the public libraries. § 2-1-150

ARTICLE 3. MEMBERSHIP.

- (A) The board is composed of eleven members appointed by the city council.
- (B) A member serves at the pleasure of the city council.
- (C) Board members serve for a term of four years beginning March 1st on the year of appointment.
- (D) An individual board member may not act in an official capacity except through the action of the board.
- (E) A board member who is absent for three consecutive regular meetings or one-third of all regular meetings in a "rolling" twelve month timeframe automatically vacates the member's position subject to the holdover provisions in Section 2-1-27 of the City Code. This does not apply to an absence due to illness or injury of the board member, an illness or injury of a board member's immediate family member, active military service, or the birth or adoption of the board member's child for 90 days after the event. The board member must notify the staff liaison of the reason for the absence not later than the date of the next regular meeting of the board. Failure to notify the liaison before the next regular meeting of the board will result in an unexcused absence.
- (F) At each meeting, each board member shall sign an attendance sheet which indicates that the member does not have a conflict of interest with any item on that agenda, or identifies each agenda item on which the member has a conflict of interest. Failure to sign the sheet results in the member being counted as absent and his/her votes are not counted.
- (G) A member who seeks to resign from the board shall submit a written resignation to the chair of the board, the staff liaison, or the city clerk's office. If possible, the resignation should allow for a thirty day notice so the city council can appoint a replacement.

ARTICLE 4. OFFICERS.

- (A) The officers of the board shall consist of a chair, a vice-chair, and a parliamentarian.

- (B) Officers shall be elected annually by a majority vote of the board at the first regular meeting after April 1st. In the event a current officer becomes ineligible to serve as an officer, the board may hold an emergency election as needed.
- (C) The term of office shall be one year, beginning May 1st and ending April 30th. An officer may continue to serve until a successor is elected. A person may not serve as an officer in a designated position of a board for more than four consecutive one-year terms. A person who has served as an officer in a designated position of a board for four consecutive terms is not eligible for re-election to that designated office until the expiration of two years after the last date of the person's service in that office. The board may override the term limit provision for an officer by an affirmative vote of two-thirds of the authorized board members.
- (D) A member may not hold more than one office at a time.

ARTICLE 5. DUTIES OF OFFICERS.

- (A) The chair shall preside at board meetings, appoint all committees, represent the board at ceremonial functions and approve each final meeting agenda.
- (B) In the absence of the chair, the vice-chair shall perform all duties of the chair.

ARTICLE 6. AGENDAS.

- (A) Two or more board members may place an item on the agenda by oral or written request to the staff liaison at least five days before the meeting. After first consulting with and receiving input from the staff liaison, the chair shall approve each final meeting agenda.
- (B) The board liaison shall submit the meeting agenda through the online agenda posting system for each meeting not less than 72 hours before the meeting.
- (C) Posting of the agenda must comply with Texas Government Code Chapter 551 (Texas Open Meetings Act).

ARTICLE 7. MEETINGS.

- (A) The board meetings shall comply with Texas Government Code Chapter 551 (Texas Open Meetings Act)
- (B) Board meetings shall be governed by Robert's Rules of Order.
- (C) The board may not conduct a closed meeting without the approval of the city attorney.
- (D) The board shall meet monthly. In November of each year, the board shall adopt a schedule of the meetings for the upcoming year, including makeup meeting dates for the holidays and cancelled meetings.

- (E) The chair may call a special meeting, and the chair shall call a special meeting if requested by three or more members. The call shall state the purpose of the meeting. A board may not call a meeting in addition to its regular scheduled meetings as identified in its adopted meeting schedule, more often than once a quarter, unless the meeting is required to comply with a statutory deadline or a deadline established by Council.
- (F) Six members constitute a quorum.
- (G) If a quorum for a meeting does not convene within one-half hour of the posted time for the meeting, then the meeting may not be held.
- (H) To be effective, a board action must be adopted by an affirmative vote of the number of members necessary to provide a quorum.
- (I) The chair has the same voting privilege as any other member.
- (J) The board shall allow citizens to address the board on agenda items and during a period of time set aside for citizen communications. The chair may limit a speaker to three minutes.
- (K) The staff liaison shall prepare the board minutes. The minutes of each board meeting must include the vote of each member on each item before the board and indicate whether a member is absent or failed to vote on an item.
- (L) The city clerk shall retain agendas, approved minutes, internal review reports and bylaws. The Austin Public Library shall retain all other board documents. The documents are public records under Texas Local Government Code Chapter 552 (Texas Public Information Act).
- (M) The chair shall adjourn a meeting not later than 10 p. ., unless the board votes to continue the meeting.
- (N) Each person and board member attending a board meeting should observe decorum pursuant to Section 2-1-48 of the City Code.
- (O) A member of the public may not address a board at a meeting on an item posted as a briefing

ARTICLE 8. COMMITTEES/WORKING GROUPS.

COMMITTEES

- (A) The Library Commission will have no standing committees.
- (B) Each committee must be established by an affirmative vote of the board. A committee cannot meet until its creation is approved by the Council Audit and Finance Committee. Each committee shall consist of at least three board members appointed by the chair. A staff member shall be assigned to each committee by the director of the Austin Public Library.
- (C) The board chair shall appoint a board member as the committee chair, with the member's consent

- (D) A majority of the total number of appointed committee members constitutes a quorum.
- (E) Each committee shall meet on a regularly scheduled basis at least quarterly.
- (F) Each committee shall make an annual report to the board at the January board meeting.
- (G) Committee meetings must be posted in accordance with Texas Government Code Chapter 551 (Texas Open Meetings Act).
- (H) At each committee meeting, a committee member shall sign in on a sheet provided and shall indicate that the member has no conflict of interest with any item on the committee meeting agenda, or identify each agenda item on which the member has a conflict of interest.

WORKING GROUPS

- (A) The board can determine the size of a working group but the number of board members serving on the working group must be less than a quorum of the board.
- (B) A working group may designate a chair, with the member's consent, but is not required to do so.
- (C) Quorum requirements do not apply to working groups.
- (D) Staff support will not be provided for working groups.
- (E) Working groups are not required to post their meetings in accordance with the Texas Government Code Chapter 551 (Texas Open Meetings Act).

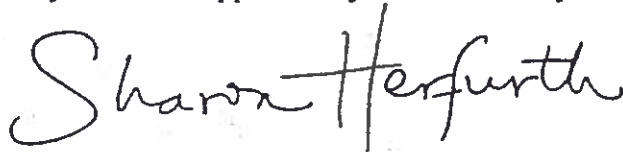
ARTICLE 9. PARLIAMENTARY AUTHORITY.

The rules contained in the current edition of Robert's Rules of Order shall govern the board in all cases to which they are applicable, except when inconsistent with these bylaws or with special rules of procedure which the board or city council may adopt.

ARTICLE 10. AMENDMENT OF BYLAWS.

A bylaw amendment is not effective unless approved by the Council Audit and Finance Committee.

The bylaws were approved by the Austin City Council at their meeting held on August 3, 2017.



Staff Liaison

PROCEDURES FOR AUSTIN CITY COUNCIL MEETINGS, PUBLIC HEARINGS, AND APPEALS

ARTICLE 1. PROCEDURES FOR CITY COUNCIL MEETINGS.

Division 1. Regular Meetings.

§ 1-1-1 COUNCIL FINDINGS.

The Council finds that:

- (1) Useful public debate at its meetings is served by the fair and impartial administration of rules of order.
- (2) Democracy is best served by participation of people in their government.
- (3) Austin's exercise of representative democracy is well-served by the timely and substantial participation of its citizens.
- (4) Minor, incidental breaches of decorum may occur in the exercise of participatory democracy.
- (5) The best government is that which is done in the open.

§ 1-1-2 PROCEDURAL DIRECTIVES.

- (A) These Procedures are directory only, and a violation of any of the provisions of this article does not affect the validity or legality of any Council action otherwise properly adopted.
- (B) The Council may waive any of the requirements of these Procedures for a particular agenda item by voice vote without the need to amend the Procedures.
- (C) The city clerk shall make copies of these Procedures available to the public.

§ 1-1-3 RULES OF ORDER.

- (A) Except in the case of a conflict with these Procedures, the City Code ("Code"), the City Charter, or state law, Council meetings should be conducted under Robert's Rules of Order.
- (B) Each person and Council Member attending a Council meeting should observe decorum. A person or Council Member should not speak out of turn, use disparaging or abusive language, or make threats of violence against any other person during a Council meeting.
- (C) The presiding officer:
 - (1) should maintain order;
 - (2) should exercise the officer's authority impartially; and
 - (3) may shorten a person's speaking time or ban a person from speaking for the duration of a meeting only for a violation of decorum set out in this section.

- (D) The presiding officer should rule out of order any Council Member breaching decorum. A Council Member ruled out of order may call for a vote of the Council to sustain or overrule the presiding officer.

§ 1-1-4 THURSDAY COUNCIL MEETING.

- (A) The Council shall meet each Thursday to consider action on city business.
- (B) A time certain prescribed in this section means that the agenda item or hearing may not be considered or heard before the time indicated, but may be considered or heard at a later time.
- (C) If possible, the presiding officer should call the Council meeting to order at the time posted. The Council may meet in executive session after the meeting is convened.
- (D) The Council should conduct the following business at specified times certain:
 - (1) a board meeting, including Austin Housing Finance Corporation;
 - (2) a bond sale;
 - (3) a briefing;
 - (4) citizens' communication;
 - (5) the consent agenda;
 - (6) live music;
 - (7) a proclamation; and
 - (8) a public hearing.
- (E) Except as otherwise provided in this section, a Council Member may request that an agenda item or hearing be set at a time certain if the Council Member receives the approval of one additional Council Member. A Council Member may, without the approval of another Council Member, request that a zoning item scheduled during the established time for zoning hearings be postponed until the later time during the Council meeting.
- (F) The presiding officer should adjourn a Council meeting at 10:00 p.m., unless there is a majority vote of the Council to continue the meeting. However, if Council is considering a matter at 10:00 p.m., the Council may proceed with consideration of the matter without first voting to continue the meeting. When possible, if Council expects not to call any new item after 10:00 p.m., reasonable notice should be given to present speakers. The presiding officer may recess a Council meeting that continues past 12:00 midnight and may reconvene the meeting at a time certain during the same day.
- (G) Not more than two briefings may be placed on a Council meeting agenda.

§ 1-1-5 CONSENT AGENDA.

- (A) The Council may adopt items by consent of the Council without a separate vote on each item as the consent agenda.
- (B) The Council may not adopt by consent an item:
 - (1) subject to a public hearing;
 - (2) posted on the agenda for consideration at a specific time;
 - (3) that a Council Member requests be pulled from the agenda for discussion;
 - (4) on which two or more people have registered to testify if the persons have registered to testify 15 minutes prior to the scheduled start time of the Council meeting; or
 - (5) that has been considered by a standing committee of the Council.
- (C) A person not wishing to speak but donating time is considered as registered to testify in determining if an item should be removed from the consent agenda.
- (D) If an individual is the only person registered to testify on an item on the consent agenda that has not been otherwise pulled for discussion, the item will remain part of the consent agenda. The person registered to testify will be allowed to speak one time, for up to three minutes on the consent agenda as a whole, regardless of the number of items for which the person has signed up to speak.
- (E) A person, other than a Council Member, may not participate in removing more than three items from the consent agenda for a single Council meeting.
 - (1) This limitation applies only to items that are removed from the consent agenda solely on the basis of the number of persons who have registered to testify or donated time, as described in Subsections (B)(4) and (C) of this section.
 - (2) The first three numerically-listed items for which a person has registered to testify or donated time shall be considered for purposes of this limitation.
 - (3) A person who is registered to speak must be present in the Council chambers when the item is pulled off the consent agenda.
- (F) The number of items pulled from consent on which a person may speak is not limited.
- (G) If one or more people have registered to speak on an item that could otherwise be approved by consent of the Council, the presiding officer should ask if reading the registration card into the record and approving the item on consent is an acceptable alternative to a presentation by the registered speakers.

§ 1-1-6 AGENDA FOR COUNCIL MEETINGS.

- (A) The city manager shall have the administrative duty to compile the agenda for each Council meeting, and shall:
 - (1) group agenda items by Council committee, or if an item has not been considered by a Council committee, by department or by topic;
 - (2) mark each action item, identifying an item that is an ordinance or a resolution;

- (3) list items from the Council in a separate section of the agenda, unless the item has been reviewed by a Council committee;
 - (4) include the final committee report in the back-up information for each agenda item that was reviewed by a Council committee; and
 - (5) include a notice for an item that was reviewed by a Council committee stating that the item was reviewed by a Council committee.
- (B) The city manager may place an item on the Council's agenda. The city manager should not place an item on an agenda unless:
- (1) the item has been considered by the appropriate advisory board, if any;
 - (2) the item has been reviewed by a Council committee with an accompanying recommendation that the item be placed on a future Council agenda;
 - (3) the item is sponsored by four Council Members; or
 - (4) the item is an administrative matter, or the city manager determines that the back-up material accompanying the item is sufficient to provide the Council with a full explanation of the item.
- (C) The city manager shall provide electronic mail notification of the electronic posting of the agenda to any citizen who requests notification by the established electronic notification system.
- (D) Four Council Members may place an item directly on the Council agenda:
- (1) The Council Members should submit items for inclusion on an agenda not later than the second business day before the Council agenda is posted.
 - (2) If an item is submitted later than the time prescribed by this section, a sponsor of the item shall certify that the item is time sensitive because it is immediately critical to the interests of the City. The certification shall be on a form provided by the city manager.
 - (3) An item submitted for inclusion on the agenda should include posting language and a resolution, ordinance, agreement, City board report, written and oral public testimony, and other supplemental information.
- (E) A Council Member may place an item on a work session agenda for the purposes of:
- (1) discussion and identifying three other Council Members who wish to place the item directly on a Council agenda; or
 - (2) discussion and identifying three other Council Members who wish to open the item for public comment at a Council meeting.
- (F) The city manager shall publish the final agenda 13 days prior to the meeting.

§ 1-1-7 CITIZEN PARTICIPATION.

- (A) The right of a person to speak to the Council, as regulated by these Procedures, the City Charter, and state or federal law, may not be abridged.
- (B) Except as provided in Section 1-1-9 (*Speaker Registration and Speaking Time*),

officer should not refuse permission to speak to a person who has registered to speak, and who is present and ready to speak, unless the hearing or consideration of the item for which the person has registered to speak has been continued to a later meeting.

- (C) If a hearing or item for which a person has registered is continued, a person who has registered but has not spoken must re-register as a speaker at the subsequent meeting during which the hearing or item is considered by the Council.
- (D) A person who intends to speak at a Council meeting:
 - (1) under Section 1-1-8 (*General Citizen Communication*) may register by telephone, E-mail or in person; and
 - (2) under Section 1-1-9 (*Speaker Registration and Speaking Time*) must register in person.
- (E) If a formal public hearing has been held and closed on the subject matter of an agenda item, a person may not register to speak on the item at a subsequent Council meeting. The presiding officer should not entertain additional public comment during subsequent Council consideration of the subject matter of a closed public hearing.

§ 1-1-8 GENERAL CITIZEN COMMUNICATION.

- (A) At a Thursday Council meeting, a maximum of 10 people may address the Council during the general citizen communication portion of the meeting.
- (B) A person who intends to speak during general citizen communication must register between 9:00 a.m. on the 21st day before the Council meeting at which the person intends to speak and 4:30 p.m. on the 14th day before the Council meeting at which the person intends to speak.
- (C) The city clerk should not accept more than 10 registrations under this section for general citizen communications at a Council meeting. The city clerk may not register a person to speak at general citizen communication more frequently than once out of every three regularly scheduled Council meetings.
- (D) A person may not speak at general citizen communication more often than once out of every three regularly scheduled Council meetings.

§ 1-1-9 SPEAKER REGISTRATION AND SPEAKING TIME.

- (A) For an item that has been considered by a Council committee, public comment shall be taken in the same manner as for an item that has not been considered by a Council committee.
- (B) A person who intends to testify at a Council meeting on an agenda item or at a public hearing shall register on the electronic signup system.
 - (1) The person may register at any time after 12:00 noon on the Monday preceding a Council meeting, when the city clerk opens the agenda for the meeting and before the last person who has registered to testify on the item has begun to testify.
 - (2) To speak on an item on the consent agenda, a person may register at any time after 12:00 noon on the Monday preceding a Council meeting, when the city clerk opens the agenda for the meeting, and before the last person who has registered to testify on the consent agenda has begun to testify.

Procedures for Austin City Council Meetings, Public Hearings, and Appeals

- (C) Except as provided in Section 1-1-5 (*Consent Agenda*), a person is not limited in the number of items on which the person may register to testify.
- (D) Except as provided in Subsection (I), the presiding officer should grant the first 20 speakers on an agenda item three minutes each, and each subsequent speaker on the agenda item one minute, to address the Council, unless:
 - (1) the Council rules otherwise;
 - (2) the presiding officer exercises the officer's authority under Section 1-1-3 (*Rules of Order*) to limit or reduce the speaker's time.
- (E) A person may donate the person's speaking time on an agenda item or at a public hearing to another speaker if the person donating the time is present when the speaker begins to address the Council.
 - (1) A person receiving a donation of time from one of the first 20 registered speakers on an item may speak an additional two minutes for each donation of time received.
 - (2) A person receiving a donation of time from a speaker registered after the 20th speaker on an item may speak one additional minute for each donation of time received.
- (F) A speaker may not use the time of more than two other registered speakers on an agenda item or at a public hearing.
- (G) Except as required by state law, the Council may limit the number of speakers or the length of testimony at the Council's discretion. If the Council limits testimony under this subsection, the electronic registration of each non-speaking person shall be made part of the public hearing record.
- (H) A person may not register to speak on an item posted as a briefing.
- (I) The total time for public comment on an agenda item may not exceed 90 minutes unless the Council votes to extend the time for comment on the item. This subsection does not apply to:
 - (1) a public hearing subject to Article 2 of these Procedures (*Procedures for Public Hearings and Appeals*);
 - (2) a public hearing subject to Chapter 25-1, Article 6, Division 2 (*Public Hearing Procedures*) of the Code; or
 - (3) a public hearing required by state or federal law.

§ 1-1-10 RECUSAL.

A Council Member who is required to recuse from a vote or decision due to a substantial interest under Sections 2-7-63 (*Prohibition on Conflict of Interest*), 2-7-64 (*Disclosure of Conflict of Interest*), or 2-7-65 (*Substantial Interest of Relative*) of the Code, or under Chapter 171 (*Regulation of Conflicts of Interest of Officers of Municipalities, Counties, and certain Other Local Governments*) of the Texas Local Government Code shall comply with the applicable procedural requirements.

Division 2. Work Session Meetings.

§ 1-2-1 MEETINGS.

- (A) A work session shall be held each Tuesday of a week that a regular Thursday Council meeting is scheduled and shall begin at 9:00 a.m.
- (B) Meetings should be held in the City Hall Boards and Commissions Room if possible.

§ 1-2-2 WORK SESSION AGENDA.

- (A) The order of the work session agenda shall be as follows:

- (1) Agenda Review.

- (a) Preselected agenda item.

- (i) A preselected agenda item is an item from the Thursday agenda that a Council Member has selected for discussion and for which staff input is requested. Staff members will be present for the discussion.

- (ii) Council may discuss an item from the Thursday agenda that is not pre-selected. However, because the item is not preselected, staff may be unavailable for the discussion.

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

- (2) Council item of interest.

- (a) A Council item of interest is an item that is not on the Thursday Council agenda. This category may include an item that the Council wants to place on a future work session agenda.

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

- (3) Briefings.

- (B) Council Members should submit preselected agenda items to the Agenda Office by 4:00 p.m. on the Monday before the work session.

- (C) The work session agenda shall include all items from the Thursday agenda and shall include a statement that Council may discuss any item from the Thursday agenda, including items that have not been preselected, as discussed in Subsection (A) of this section.

§ 1-2-3 BRIEFINGS.

- (A) The purpose of a work session briefing is to update the Council.

- (B) The Mayor or a Council Member may request that a person or entity having information relevant to Council provide a briefing to Council.

Procedures for Austin City Council Meetings, Public Hearings, and Appeals

- (C) A briefing that is normally placed on a Thursday agenda may not be placed on a work session agenda.

§ 1-2-4 COUNCIL ACTION.

- (A) The Council may not vote on a work session agenda item that is on the Thursday agenda.
(B) The Council may vote on a work session agenda item that is not on the Thursday agenda.

§ 1-2-5 CITIZEN PARTICIPATION.

- (A) Except as otherwise provided in this section, citizen participation is not permitted at a work session meeting.
(B) Citizen participation is permitted on any item on which Council will vote under Section 1-2-4 (*Council Action*).
(C) Council may vote to allow citizen participation during a work session or for any work session item.

ARTICLE 2. PROCEDURES FOR PUBLIC HEARINGS AND APPEALS.

Division 1. Public Hearings.

§ 2-1-1 GENERAL PROVISIONS.

- (A) Except as otherwise provided in the Code and in these Procedures, including Subsection (B) of this section and Chapter 2-5 (*Council Action, Appeals, Terms, and Committees*) of the Code, this division applies to a public hearing authorized under the Code. A provision regarding a public hearing procedure in the Code prevails over this article to the extent of any conflict.
(B) A public hearing authorized under Title 25 (*Land Development*) of the Code shall be held as prescribed by Chapter 25-1, Article 6, Division 2 (*Public Hearing Procedure*) of the Code.
(C) A public hearing should be conducted as prescribed by the Code, this article, and state and federal law.
(D) The city manager should set the date of a public hearing before the Council by publication in the agenda. The Council may change a hearing date.
(E) Except as provided in Section 1-1-9 (*Speaker Registration and Speaking Time*), a public hearing should not be closed if there is a person present who has registered to testify but has not had an opportunity to address the Council.

§ 2-1-2 CONDUCT OF PUBLIC HEARINGS.

- (A) A person shall register to speak at a public hearing as prescribed by Section 1-1-9 (*Speaker Registration and Speaking Time*).

- (B) Except as otherwise provided in the Code, a person who registers before the public hearing is closed may speak at the time provided in Subsection (C).
- (C) Except as provided in Division 2 (*Appeals*), a public hearing shall proceed as follows:
 - (1) presentation of a report by City staff;
 - (2) presentation by the applicant, for a hearing on an application, limited to five minutes;
 - (3) presentation by interested parties supporting the application or proposal subject to the time limitations prescribed in Section 1-1-9 (*Speaker Registration and Speaking Time*);
 - (4) presentation by interested parties opposing the application or proposal subject to the time limitations prescribed in Section 1-1-9 (*Speaker Registration and Speaking Time*); and
 - (5) rebuttal by the applicant, for a hearing on an application, limited to three minutes.
- (D) A Council Member may ask questions of a person at any time during the hearing.
- (E) The presiding officer may limit a speaker's time to address the body, as prescribed by Section 1-1-3 (*Rules of Order*). The presiding officer may request that a speaker eliminate repetitious or irrelevant testimony.

§ 2-1-3 POSTPONEMENT AND CONTINUATION OF PUBLIC HEARINGS.

- (A) The Council may:
 - (1) postpone a public hearing by announcing the postponement on the date and at the time and location stated in the notice for the scheduled hearing; and
 - (2) continue a public hearing to a later date by announcing the continuance after the hearing begins.
- (B) If the Council postpones or continues a hearing to a specific date and time not later than 60 days after the date on which the postponement or continuance is announced, the announcement is adequate notice of the next hearing and additional notice is not required.
- (C) If the Council does not specify a hearing date and time at the time that a postponement or continuance is announced, notice of the next hearing shall be provided in the manner required for the original hearing.

§ 2-1-4 RECORD OF PUBLIC HEARING.

- (A) The Council shall record each public hearing on audio tape or video tape.
- (B) The official record of a public hearing includes:
 - (1) the audio tape or video tape recording of the public hearing;
 - (2) the transcript of the public hearing;
 - (3) written staff reports, excluding legal advice and information presented in executive session; and
 - (4) documentary evidence submitted during a public hearing.
- (C) A person may review the official record of a public hearing.

- (D) The city clerk may establish rules regarding the time and location for review of the record.

Division 2. Appeals.

§ 2-2-1 CONDUCT OF PUBLIC HEARING ON AN APPEAL.

- (A) Before opening a hearing on an appeal, the Council shall decide preliminary issues raised by the parties, including whether the appellant has standing to appeal and whether to postpone or continue the hearing.
- (B) A public hearing on an appeal shall proceed in the following order:
- (1) a report from City staff;
 - (2) a presentation by the appellant, limited to five minutes;
 - (3) comment by persons supporting the appeal subject to the time limitations prescribed in Section 1-1-9 (*Speaker Registration and Speaking Time*);
 - (4) comment by persons opposing the appeal subject to the time limitations prescribed in Section 1-1-9 (*Speaker Registration and Speaking Time*); and
 - (5) a rebuttal by the appellant, limited to three minutes.
- (C) Notwithstanding Section 2-1-2(B) (*Conduct of Public Hearings*), for a public hearing on an appeal, a person desiring to speak during the hearing must be registered to speak before the item is called for consideration by Council.

7 pages +
3 attached
documents

DOC RECEIVED AT
SEP 26 '19 10:11:00

Carlos León (9/30/19)

To: Ms. Stephanie Hall, Boards + Commissions

Re: Library Commission staff liason
Sharon Herfurth's false statement
& unlawful decision to not allow
me to sign up to speak on
agenda items 6b and 9 at the
beginning of the Library Commission
meeting

(1 of 7)

Date of Incident: Sept. 23, 2019

Location: Carver library

Description of Incident:

At approximately 6:32 pm, about
two minutes after the 6:30 pm
Library Commission meeting started,
I approached Sharon Herfurth,
the Library Commission staff liason,
to sign up for Citizen Communication
Item 1 on the agenda, which was
already going on at that time.

Ms. Herfurth told me I had to sign
up for Citizen Communication before
the meeting started, which the
agenda explicitly states (see
attached agenda).

Since that rule seemed reasonable because Citizen Communication is the first agenda item done at the beginning of the meeting, I did not argue.

Instead, I responded by telling Ms. Herfurth I wanted to sign up to speak on items 6b & 9 on the agenda, which had not yet been called.

However, Herfurth replied that I had to sign up to speak on those agenda items before the meeting started. Though neither the agenda nor the Library Commission bylaws nor Robert's Rules of Order require me to do so because it violates city rules. [See attached agenda & bylaws]

According to PROCEDURES FOR AUSTIN CITY COUNCIL MEETINGS, PUBLIC HEARINGS, AND APPEALS, § 1-1-9 SPEAKER REGISTRATION AND SPEAKER TIME, part B, a person may register to speak on an agenda item after the meeting has started, as long as he or she registers before the last person who has registered to testify on the item has begun to testify.

(2 of 7)

Therefore, because the last registered person for an item cannot testify on that item before that item is called by the presiding officer/chair, I had the legal right to sign up to speak on items 6b & 9 before they were called, whether or not anyone else had signed up to speak on them though the meeting had just started.

Therefore, Ms. Herfurth made a false statement to wrongly justify her unlawful decision.

In fact, the Texas Citizen Participation Act shall be construed liberally to encourage and safeguard my constitutional rights to speak freely and otherwise participate in government to the maximum extent permitted by law per Texas Civil Practices & Remedies Codes 27.002 + 27.011.

Therefore, because library commission meetings are official proceedings of city government, "exercise of the right of free speech" means a communication with a matter of public concern. "communication" includes making

(3 of 7)

oral statements, and "matter of public concern" includes issues related to the government, per Texas Civil Practices & Remedies Codes 27.001 (1), (2), (7) & (8), my legal rights to sign up for & speak on items 6b and 9 were unlawfully denied me.

(4 of 7)
In fact, per PROCEDURES FOR AUSTIN CITY COUNCIL MEETINGS, PUBLIC HEARINGS AND APPEALS § 1-1-9 SPEAKER REGISTRATION AND SPEAKER TIME part (c), I am not limited in the number of items on which I can register to testify.

Also, per § 1-1-9 (D), I should have been granted three minutes to speak on item 6b and three minutes to speak on item 9.

Therefore, because PROCEDURES FOR AUSTIN CITY COUNCIL MEETINGS, PUBLIC HEARINGS AND APPEALS and the Texas Citizens Participation Act have been effective for more than two years and Ms. Herforth has been staff liaison for the Library Commission for more than two years she is expected to know & follow

City rules & state law to facilitate
Citizen participation at library
commission meetings, not say & do
the exact opposite.

Therefore if Ms. Herfurth did not
know the rules & law, she is too
incompetent to be staff liason.

However, if she did know the rules &
law then she intentionally discriminated
against me, which is illegal and
a legal reason to not allow her
to continue being staff liason to
the Library Commission.

Therefore, Ms. Herfurth did not fairly
& impartially administer the rules of
order and did not enable the
timely & substantial participation
of Austin's citizens to well serve
Austin's exercise of representative
democracy, though City Council
requires her to do so, per § 1-1-1
CIV (3) of the PROCEDURES FOR
AUSTIN CITY COUNCIL MEETINGS,
PUBLIC HEARINGS, AND APPEALS.

In fact, public servant Herfurth
appeared to intentionally say & do
the exact opposite what she
is legally bound to do & say to

(6 of 7)

illegally chill my participation & free speech at the Library Commission meeting, meaning she is allegedly guilty of viewpoint discrimination, a First Amendment violation of the Free Speech clause, as well as violating the Due Process & Equal Protection clauses of the fourteenth Amendment.

In fact, Herfurth did not correct her false statement & unlawful action later in the meeting when I publicly stood up when Item 6B was officially called & told the Library Commission I tried to sign up to speak on the item at the beginning of the meeting but was not allowed to do so by Herfurth.

Therefore, Herfurth allegedly abused her official capacity to officially oppress me, violating Texas Penal Codes 39.02 & 39.03.

Therefore, Herfurth needs to be legally held accountable ASAP for her alleged criminal behavior so that she NEVER again tries making false statements to gaslighting or illegally silencing me or any other member of the public that she is legally bound to serve.

per Texas Penal Code 1.07(9)(4)(A).

Therefore, immediately address my
complaint, & keep it in MS.
Herfurth's personnel file permanently.

Expect me to follow up in person at
City Hall with the Office of
the City Clerk.

Expect me to officially request a copy
of the official response from the
Office of the City Clerk and a
copy of the official response
from ~~the~~ Human Resources.

Carlos León
Carlos León

(7 of 7)



LIBRARY COMMISSION
September 23, 2019 – 6:30 PM
Carver Branch
1161 Angelina St.
AUSTIN, TEXAS

The Library Commission shall make recommendations to the city council on matters relating to the establishment, maintenance, and operation of the public libraries. Section 2-1-150 of the City Code.

Patricia Dabbert, JC Dwyer, Aimee Finney, Catherine Hanna, Deborah Pardo-Kaplan, Daniella Ramos, Steven Self, Beth Smyer, and Chad Williams

AGENDA

CALL TO ORDER

1. Citizen Communication: General

The first 5 speakers signed up prior to the meeting being called to order will each be allowed a three-minute allotment to address their concerns regarding items not posted on the agenda.

2. Approval of Minutes from the August 26, 2019 Regular Meeting

3. Welcome and Introduction of Carver Branch Manager, Doreen Boyd

4. Briefing: Summer Reading Wrap-Up: Sharon Herfurth, Division Manager, Office of Programs & Partnerships

5. Old Business: none

6. New Business:

- a. Discussion of briefing and agenda topics for future meetings, October – December 2019
- b. Discussion and possible action a Recommendation to add a youth member to the Library Commission

7. Discussion of Director's Monthly Report for September 2019 covering programming highlights, facilities, policies, and APL Priorities.

8. Discussion of commissioner visits to branch libraries

9. Future Agenda Items

ADJOURNMENT

The City of Austin is committed to compliance with the Americans with Disabilities Act. Reasonable modifications and equal access to communications will be provided upon request. Meeting locations are planned with wheelchair access. If requiring Sign Language Interpreters or alternative formats, please give notice at least 2 days before the meeting date. Please call Sharon Herfurth at the Library Department, at 512- 974-7420 for additional information; TTY users route through Relay Texas at 711.

For more information on the Library Commission, please contact Sharon Herfurth at 512- 974-7420 or sharon.herfurth@austintexas.gov

**BYLAWS OF THE
Library Commission**

ARTICLE 1. NAME.

The name of the board is Library Commission.

ARTICLE 2. PURPOSE AND DUTIES.

The purpose of the board is make recommendations to the City Council on matters relating to the establishment, maintenance, and operation of the public libraries. § 2-1-150

ARTICLE 3. MEMBERSHIP.

- (A) The board is composed of eleven members appointed by the city council.
- (B) A member serves at the pleasure of the city council.
- (C) Board members serve for a term of four years beginning March 1st on the year of appointment.
- (D) An individual board member may not act in an official capacity except through the action of the board.
- (E) A board member who is absent for three consecutive regular meetings or one-third of all regular meetings in a "rolling" twelve month timeframe automatically vacates the member's position subject to the holdover provisions in Section 2-1-27 of the City Code. This does not apply to an absence due to illness or injury of the board member, an illness or injury of a board member's immediate family member, active military service, or the birth or adoption of the board member's child for 90 days after the event. The board member must notify the staff liaison of the reason for the absence not later than the date of the next regular meeting of the board. Failure to notify the liaison before the next regular meeting of the board will result in an unexcused absence.
- (F) At each meeting, each board member shall sign an attendance sheet which indicates that the member does not have a conflict of interest with any item on that agenda, or identifies each agenda item on which the member has a conflict of interest. Failure to sign the sheet results in the member being counted as absent and his/her votes are not counted.
- (G) A member who seeks to resign from the board shall submit a written resignation to the chair of the board, the staff liaison, or the city clerk's office. If possible, the resignation should allow for a thirty day notice so the city council can appoint a replacement.

ARTICLE 4. OFFICERS.

- (A) The officers of the board shall consist of a chair, a vice-chair, and a parliamentarian.

- (B) Officers shall be elected annually by a majority vote of the board at the first regular meeting after April 1st. In the event a current officer becomes ineligible to serve as an officer, the board may hold an emergency election as needed.
- (C) The term of office shall be one year, beginning May 1st and ending April 30th. An officer may continue to serve until a successor is elected. A person may not serve as an officer in a designated position of a board for more than four consecutive one-year terms. A person who has served as an officer in a designated position of a board for four consecutive terms is not eligible for re-election to that designated office until the expiration of two years after the last date of the person's service in that office. The board may override the term limit provision for an officer by an affirmative vote of two-thirds of the authorized board members.
- (D) A member may not hold more than one office at a time.

ARTICLE 5. DUTIES OF OFFICERS.

- (A) The chair shall preside at board meetings, appoint all committees, represent the board at ceremonial functions and approve each final meeting agenda.
- (B) In the absence of the chair, the vice-chair shall perform all duties of the chair.

ARTICLE 6. AGENDAS.

- (A) Two or more board members may place an item on the agenda by oral or written request to the staff liaison at least five days before the meeting. After first consulting with and receiving input from the staff liaison, the chair shall approve each final meeting agenda.
- (B) The board liaison shall submit the meeting agenda through the online agenda posting system for each meeting not less than 72 hours before the meeting.
- (C) Posting of the agenda must comply with Texas Government Code Chapter 551 (Texas Open Meetings Act).

ARTICLE 7. MEETINGS.

- (A) The board meetings shall comply with Texas Government Code Chapter 551 (Texas Open Meetings Act)
- (B) Board meetings shall be governed by Robert's Rules of Order.
- (C) The board may not conduct a closed meeting without the approval of the city attorney.
- (D) The board shall meet monthly. In November of each year, the board shall adopt a schedule of the meetings for the upcoming year, including makeup meeting dates for the holidays and cancelled meetings.

- (E) The chair may call a special meeting, and the chair shall call a special meeting if requested by three or more members. The call shall state the purpose of the meeting. A board may not call a meeting in addition to its regular scheduled meetings as identified in its adopted meeting schedule, more often than once a quarter, unless the meeting is required to comply with a statutory deadline or a deadline established by Council.
- (F) Six members constitute a quorum.
- (G) If a quorum for a meeting does not convene within one-half hour of the posted time for the meeting, then the meeting may not be held.
- (H) To be effective, a board action must be adopted by an affirmative vote of the number of members necessary to provide a quorum.
- (I) The chair has the same voting privilege as any other member.
- (J) The board shall allow citizens to address the board on agenda items and during a period of time set aside for citizen communications. The chair may limit a speaker to three minutes.
- (K) The staff liaison shall prepare the board minutes. The minutes of each board meeting must include the vote of each member on each item before the board and indicate whether a member is absent or failed to vote on an item.
- (L) The city clerk shall retain agendas, approved minutes, internal review reports and bylaws. The Austin Public Library shall retain all other board documents. The documents are public records under Texas Local Government Code Chapter 552 (Texas Public Information Act).
- (M) The chair shall adjourn a meeting not later than 10 p. ., unless the board votes to continue the meeting.
- (N) Each person and board member attending a board meeting should observe decorum pursuant to Section 2-1-48 of the City Code.
- (O) A member of the public may not address a board at a meeting on an item posted as a briefing

ARTICLE 8. COMMITTEES/WORKING GROUPS.

COMMITTEES

- (A) The Library Commission will have no standing committees.
- (B) Each committee must be established by an affirmative vote of the board. A committee cannot meet until its creation is approved by the Council Audit and Finance Committee. Each committee shall consist of at least three board members appointed by the chair. A staff member shall be assigned to each committee by the director of the Austin Public Library.
- (C) The board chair shall appoint a board member as the committee chair, with the member's consent

- (D) A majority of the total number of appointed committee members constitutes a quorum.
- (E) Each committee shall meet on a regularly scheduled basis at least quarterly.
- (F) Each committee shall make an annual report to the board at the January board meeting.
- (G) Committee meetings must be posted in accordance with Texas Government Code Chapter 551 (Texas Open Meetings Act).
- (H) At each committee meeting, a committee member shall sign in on a sheet provided and shall indicate that the member has no conflict of interest with any item on the committee meeting agenda, or identify each agenda item on which the member has a conflict of interest.

WORKING GROUPS

- (A) The board can determine the size of a working group but the number of board members serving on the working group must be less than a quorum of the board.
- (B) A working group may designate a chair, with the member's consent, but is not required to do so.
- (C) Quorum requirements do not apply to working groups.
- (D) Staff support will not be provided for working groups.
- (E) Working groups are not required to post their meetings in accordance with the Texas Government Code Chapter 551 (Texas Open Meetings Act).

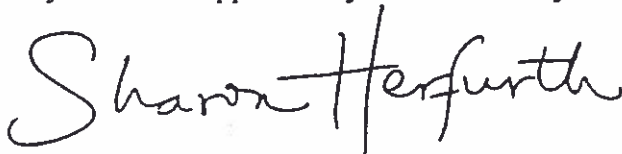
ARTICLE 9. PARLIAMENTARY AUTHORITY.

The rules contained in the current edition of Robert's Rules of Order shall govern the board in all cases to which they are applicable, except when inconsistent with these bylaws or with special rules of procedure which the board or city council may adopt.

ARTICLE 10. AMENDMENT OF BYLAWS.

A bylaw amendment is not effective unless approved by the Council Audit and Finance Committee.

The bylaws were approved by the Austin City Council at their meeting held on August 3, 2017.



Staff Liaison

PROCEDURES FOR AUSTIN CITY COUNCIL MEETINGS, PUBLIC HEARINGS, AND APPEALS

ARTICLE 1. PROCEDURES FOR CITY COUNCIL MEETINGS.

Division 1. Regular Meetings.

§ 1-1-1 COUNCIL FINDINGS.

The Council finds that:

- (1) Useful public debate at its meetings is served by the fair and impartial administration of rules of order.
- (2) Democracy is best served by participation of people in their government.
- (3) Austin's exercise of representative democracy is well-served by the timely and substantial participation of its citizens.
- (4) Minor, incidental breaches of decorum may occur in the exercise of participatory democracy.
- (5) The best government is that which is done in the open.

§ 1-1-2 PROCEDURAL DIRECTIVES.

- (A) These Procedures are directory only, and a violation of any of the provisions of this article does not affect the validity or legality of any Council action otherwise properly adopted.
- (B) The Council may waive any of the requirements of these Procedures for a particular agenda item by voice vote without the need to amend the Procedures.
- (C) The city clerk shall make copies of these Procedures available to the public.

§ 1-1-3 RULES OF ORDER.

- (A) Except in the case of a conflict with these Procedures, the City Code ("Code"), the City Charter, or state law, Council meetings should be conducted under Robert's Rules of Order.
- (B) Each person and Council Member attending a Council meeting should observe decorum. A person or Council Member should not speak out of turn, use disparaging or abusive language, or make threats of violence against any other person during a Council meeting.
- (C) The presiding officer:
 - (1) should maintain order;
 - (2) should exercise the officer's authority impartially; and
 - (3) may shorten a person's speaking time or ban a person from speaking for the duration of a meeting only for a violation of decorum set out in this section.

- (D) The presiding officer should rule out of order any Council Member breaching decorum. A Council Member ruled out of order may call for a vote of the Council to sustain or overrule the presiding officer.

§ 1-1-4 THURSDAY COUNCIL MEETING.

- (A) The Council shall meet each Thursday to consider action on city business.
- (B) A time certain prescribed in this section means that the agenda item or hearing may not be considered or heard before the time indicated, but may be considered or heard at a later time.
- (C) If possible, the presiding officer should call the Council meeting to order at the time posted. The Council may meet in executive session after the meeting is convened.
- (D) The Council should conduct the following business at specified times certain:
 - (1) a board meeting, including Austin Housing Finance Corporation;
 - (2) a bond sale;
 - (3) a briefing;
 - (4) citizens' communication;
 - (5) the consent agenda;
 - (6) live music;
 - (7) a proclamation; and
 - (8) a public hearing.
- (E) Except as otherwise provided in this section, a Council Member may request that an agenda item or hearing be set at a time certain if the Council Member receives the approval of one additional Council Member. A Council Member may, without the approval of another Council Member, request that a zoning item scheduled during the established time for zoning hearings be postponed until the later time during the Council meeting.
- (F) The presiding officer should adjourn a Council meeting at 10:00 p.m., unless there is a majority vote of the Council to continue the meeting. However, if Council is considering a matter at 10:00 p.m., the Council may proceed with consideration of the matter without first voting to continue the meeting. When possible, if Council expects not to call any new item after 10:00 p.m., reasonable notice should be given to present speakers. The presiding officer may recess a Council meeting that continues past 12:00 midnight and may reconvene the meeting at a time certain during the same day.
- (G) Not more than two briefings may be placed on a Council meeting agenda.

§ 1-1-5 CONSENT AGENDA.

- (A) The Council may adopt items by consent of the Council without a separate vote on each item as the consent agenda.
- (B) The Council may not adopt by consent an item:
 - (1) subject to a public hearing;
 - (2) posted on the agenda for consideration at a specific time;
 - (3) that a Council Member requests be pulled from the agenda for discussion;
 - (4) on which two or more people have registered to testify if the persons have registered to testify 15 minutes prior to the scheduled start time of the Council meeting; or
 - (5) that has been considered by a standing committee of the Council.
- (C) A person not wishing to speak but donating time is considered as registered to testify in determining if an item should be removed from the consent agenda.
- (D) If an individual is the only person registered to testify on an item on the consent agenda that has not been otherwise pulled for discussion, the item will remain part of the consent agenda. The person registered to testify will be allowed to speak one time, for up to three minutes on the consent agenda as a whole, regardless of the number of items for which the person has signed up to speak.
- (E) A person, other than a Council Member, may not participate in removing more than three items from the consent agenda for a single Council meeting.
 - (1) This limitation applies only to items that are removed from the consent agenda solely on the basis of the number of persons who have registered to testify or donated time, as described in Subsections (B)(4) and (C) of this section.
 - (2) The first three numerically-listed items for which a person has registered to testify or donated time shall be considered for purposes of this limitation.
 - (3) A person who is registered to speak must be present in the Council chambers when the item is pulled off the consent agenda.
- (F) The number of items pulled from consent on which a person may speak is not limited.
- (G) If one or more people have registered to speak on an item that could otherwise be approved by consent of the Council, the presiding officer should ask if reading the registration card into the record and approving the item on consent is an acceptable alternative to a presentation by the registered speakers.

§ 1-1-6 AGENDA FOR COUNCIL MEETINGS.

- (A) The city manager shall have the administrative duty to compile the agenda for each Council meeting, and shall:
 - (1) group agenda items by Council committee, or if an item has not been considered by a Council committee, by department or by topic;
 - (2) mark each action item, identifying an item that is an ordinance or a resolution;

Procedures for Austin City Council Meetings, Public Hearings, and Appeals

- (3) list items from the Council in a separate section of the agenda, unless the item has been reviewed by a Council committee;
 - (4) include the final committee report in the back-up information for each agenda item that was reviewed by a Council committee; and
 - (5) include a notice for an item that was reviewed by a Council committee stating that the item was reviewed by a Council committee.
- (B) The city manager may place an item on the Council's agenda. The city manager should not place an item on an agenda unless:
- (1) the item has been considered by the appropriate advisory board, if any;
 - (2) the item has been reviewed by a Council committee with an accompanying recommendation that the item be placed on a future Council agenda;
 - (3) the item is sponsored by four Council Members; or
 - (4) the item is an administrative matter, or the city manager determines that the back-up material accompanying the item is sufficient to provide the Council with a full explanation of the item.
- (C) The city manager shall provide electronic mail notification of the electronic posting of the agenda to any citizen who requests notification by the established electronic notification system.
- (D) Four Council Members may place an item directly on the Council agenda:
- (1) The Council Members should submit items for inclusion on an agenda not later than the second business day before the Council agenda is posted.
 - (2) If an item is submitted later than the time prescribed by this section, a sponsor of the item shall certify that the item is time sensitive because it is immediately critical to the interests of the City. The certification shall be on a form provided by the city manager.
 - (3) An item submitted for inclusion on the agenda should include posting language and a resolution, ordinance, agreement, City board report, written and oral public testimony, and other supplemental information.
- (E) A Council Member may place an item on a work session agenda for the purposes of:
- (1) discussion and identifying three other Council Members who wish to place the item directly on a Council agenda; or
 - (2) discussion and identifying three other Council Members who wish to open the item for public comment at a Council meeting.
- (F) The city manager shall publish the final agenda 13 days prior to the meeting.

§ 1-1-7 CITIZEN PARTICIPATION.

- (A) The right of a person to speak to the Council, as regulated by these Procedures, the City Charter, and state or federal law, may not be abridged.
- (B) Except as provided in Section 1-1-9 (*Speaker Registration and Speaking Time*),

officer should not refuse permission to speak to a person who has registered to speak, and who is present and ready to speak, unless the hearing or consideration of the item for which the person has registered to speak has been continued to a later meeting.

- (C) If a hearing or item for which a person has registered is continued, a person who has registered but has not spoken must re-register as a speaker at the subsequent meeting during which the hearing or item is considered by the Council.
- (D) A person who intends to speak at a Council meeting:
 - (1) under Section 1-1-8 (*General Citizen Communication*) may register by telephone, E-mail or in person; and
 - (2) under Section 1-1-9 (*Speaker Registration and Speaking Time*) must register in person.
- (E) If a formal public hearing has been held and closed on the subject matter of an agenda item, a person may not register to speak on the item at a subsequent Council meeting. The presiding officer should not entertain additional public comment during subsequent Council consideration of the subject matter of a closed public hearing.

§ 1-1-8 GENERAL CITIZEN COMMUNICATION.

- (A) At a Thursday Council meeting, a maximum of 10 people may address the Council during the general citizen communication portion of the meeting.
- (B) A person who intends to speak during general citizen communication must register between 9:00 a.m. on the 21st day before the Council meeting at which the person intends to speak and 4:30 p.m. on the 14th day before the Council meeting at which the person intends to speak.
- (C) The city clerk should not accept more than 10 registrations under this section for general citizen communications at a Council meeting. The city clerk may not register a person to speak at general citizen communication more frequently than once out of every three regularly scheduled Council meetings.
- (D) A person may not speak at general citizen communication more often than once out of every three regularly scheduled Council meetings.

§ 1-1-9 SPEAKER REGISTRATION AND SPEAKING TIME.

- (A) For an item that has been considered by a Council committee, public comment shall be taken in the same manner as for an item that has not been considered by a Council committee.
- (B) A person who intends to testify at a Council meeting on an agenda item or at a public hearing shall register on the electronic signup system.
 - (1) The person may register at any time after 12:00 noon on the Monday preceding a Council meeting, when the city clerk opens the agenda for the meeting and before the last person who has registered to testify on the item has begun to testify.
 - (2) To speak on an item on the consent agenda, a person may register at any time after 12:00 noon on the Monday preceding a Council meeting, when the city clerk opens the agenda for the meeting, and before the last person who has registered to testify on the consent agenda has begun to testify.

Procedures for Austin City Council Meetings, Public Hearings, and Appeals

- (C) Except as provided in Section 1-1-5 (*Consent Agenda*), a person is not limited in the number of items on which the person may register to testify.
- (D) Except as provided in Subsection (I), the presiding officer should grant the first 20 speakers on an agenda item three minutes each, and each subsequent speaker on the agenda item one minute, to address the Council, unless:
 - (1) the Council rules otherwise;
 - (2) the presiding officer exercises the officer's authority under Section 1-1-3 (*Rules of Order*) to limit or reduce the speaker's time.
- (E) A person may donate the person's speaking time on an agenda item or at a public hearing to another speaker if the person donating the time is present when the speaker begins to address the Council.
 - (1) A person receiving a donation of time from one of the first 20 registered speakers on an item may speak an additional two minutes for each donation of time received.
 - (2) A person receiving a donation of time from a speaker registered after the 20th speaker on an item may speak one additional minute for each donation of time received.
- (F) A speaker may not use the time of more than two other registered speakers on an agenda item or at a public hearing.
- (G) Except as required by state law, the Council may limit the number of speakers or the length of testimony at the Council's discretion. If the Council limits testimony under this subsection, the electronic registration of each non-speaking person shall be made part of the public hearing record.
- (H) A person may not register to speak on an item posted as a briefing.
- (I) The total time for public comment on an agenda item may not exceed 90 minutes unless the Council votes to extend the time for comment on the item. This subsection does not apply to:
 - (1) a public hearing subject to Article 2 of these Procedures (*Procedures for Public Hearings and Appeals*);
 - (2) a public hearing subject to Chapter 25-1, Article 6, Division 2 (*Public Hearing Procedures*) of the Code; or
 - (3) a public hearing required by state or federal law.

§ 1-1-10 RECUSAL.

A Council Member who is required to recuse from a vote or decision due to a substantial interest under Sections 2-7-63 (*Prohibition on Conflict of Interest*), 2-7-64 (*Disclosure of Conflict of Interest*), or 2-7-65 (*Substantial Interest of Relative*) of the Code, or under Chapter 171 (*Regulation of Conflicts of Interest of Officers of Municipalities, Counties, and certain Other Local Governments*) of the Texas Local Government Code shall comply with the applicable procedural requirements.

Division 2. Work Session Meetings.

§ 1-2-1 MEETINGS.

- (A) A work session shall be held each Tuesday of a week that a regular Thursday Council meeting is scheduled and shall begin at 9:00 a.m.
- (B) Meetings should be held in the City Hall Boards and Commissions Room if possible.

§ 1-2-2 WORK SESSION AGENDA.

- (A) The order of the work session agenda shall be as follows:

- (1) Agenda Review.

- (a) Preselected agenda item.

- (i) A preselected agenda item is an item from the Thursday agenda that a Council Member has selected for discussion and for which staff input is requested. Staff members will be present for the discussion.

- (ii) Council may discuss an item from the Thursday agenda that is not pre-selected. However, because the item is not preselected, staff may be unavailable for the discussion.

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

- (2) Council item of interest.

- (a) A Council item of interest is an item that is not on the Thursday Council agenda. This category may include an item that the Council wants to place on a future work session agenda.

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

- (3) Briefings.

- (B) Council Members should submit preselected agenda items to the Agenda Office by 4:00 p.m. on the Monday before the work session.

- (C) The work session agenda shall include all items from the Thursday agenda and shall include a statement that Council may discuss any item from the Thursday agenda, including items that have not been preselected, as discussed in Subsection (A) of this section.

§ 1-2-3 BRIEFINGS.

- (A) The purpose of a work session briefing is to update the Council.

- (B) The Mayor or a Council Member may request that a person or entity having information relevant to Council provide a briefing to Council.

Procedures for Austin City Council Meetings, Public Hearings, and Appeals

- (C) A briefing that is normally placed on a Thursday agenda may not be placed on a work session agenda.

§ 1-2-4 COUNCIL ACTION.

- (A) The Council may not vote on a work session agenda item that is on the Thursday agenda.
- (B) The Council may vote on a work session agenda item that is not on the Thursday agenda.

§ 1-2-5 CITIZEN PARTICIPATION.

- (A) Except as otherwise provided in this section, citizen participation is not permitted at a work session meeting.
- (B) Citizen participation is permitted on any item on which Council will vote under Section 1-2-4 (*Council Action*).
- (C) Council may vote to allow citizen participation during a work session or for any work session item.

ARTICLE 2. PROCEDURES FOR PUBLIC HEARINGS AND APPEALS.

Division 1. Public Hearings.

§ 2-1-1 GENERAL PROVISIONS.

- (A) Except as otherwise provided in the Code and in these Procedures, including Subsection (B) of this section and Chapter 2-5 (*Council Action, Appeals, Terms, and Committees*) of the Code, this division applies to a public hearing authorized under the Code. A provision regarding a public hearing procedure in the Code prevails over this article to the extent of any conflict.
- (B) A public hearing authorized under Title 25 (*Land Development*) of the Code shall be held as prescribed by Chapter 25-1, Article 6, Division 2 (*Public Hearing Procedure*) of the Code.
- (C) A public hearing should be conducted as prescribed by the Code, this article, and state and federal law.
- (D) The city manager should set the date of a public hearing before the Council by publication in the agenda. The Council may change a hearing date.
- (E) Except as provided in Section 1-1-9 (*Speaker Registration and Speaking Time*), a public hearing should not be closed if there is a person present who has registered to testify but has not had an opportunity to address the Council.

§ 2-1-2 CONDUCT OF PUBLIC HEARINGS.

- (A) A person shall register to speak at a public hearing as prescribed by Section 1-1-9 (*Speaker Registration and Speaking Time*).

- (B) Except as otherwise provided in the Code, a person who registers before the public hearing is closed may speak at the time provided in Subsection (C).
- (C) Except as provided in Division 2 (*Appeals*), a public hearing shall proceed as follows:
 - (1) presentation of a report by City staff;
 - (2) presentation by the applicant, for a hearing on an application, limited to five minutes;
 - (3) presentation by interested parties supporting the application or proposal subject to the time limitations prescribed in Section 1-1-9 (*Speaker Registration and Speaking Time*);
 - (4) presentation by interested parties opposing the application or proposal subject to the time limitations prescribed in Section 1-1-9 (*Speaker Registration and Speaking Time*); and
 - (5) rebuttal by the applicant, for a hearing on an application, limited to three minutes.
- (D) A Council Member may ask questions of a person at any time during the hearing.
- (E) The presiding officer may limit a speaker's time to address the body, as prescribed by Section 1-1-3 (*Rules of Order*). The presiding officer may request that a speaker eliminate repetitious or irrelevant testimony.

§ 2-1-3 POSTPONEMENT AND CONTINUATION OF PUBLIC HEARINGS.

- (A) The Council may:
 - (1) postpone a public hearing by announcing the postponement on the date and at the time and location stated in the notice for the scheduled hearing; and
 - (2) continue a public hearing to a later date by announcing the continuance after the hearing begins.
- (B) If the Council postpones or continues a hearing to a specific date and time not later than 60 days after the date on which the postponement or continuance is announced, the announcement is adequate notice of the next hearing and additional notice is not required.
- (C) If the Council does not specify a hearing date and time at the time that a postponement or continuance is announced, notice of the next hearing shall be provided in the manner required for the original hearing.

§ 2-1-4 RECORD OF PUBLIC HEARING.

- (A) The Council shall record each public hearing on audio tape or video tape.
- (B) The official record of a public hearing includes:
 - (1) the audio tape or video tape recording of the public hearing;
 - (2) the transcript of the public hearing;
 - (3) written staff reports, excluding legal advice and information presented in executive session; and
 - (4) documentary evidence submitted during a public hearing.
- (C) A person may review the official record of a public hearing.

- (D) The city clerk may establish rules regarding the time and location for review of the record.

Division 2. Appeals.

§ 2-2-1 CONDUCT OF PUBLIC HEARING ON AN APPEAL.

- (A) Before opening a hearing on an appeal, the Council shall decide preliminary issues raised by the parties, including whether the appellant has standing to appeal and whether to postpone or continue the hearing.
- (B) A public hearing on an appeal shall proceed in the following order:
- (1) a report from City staff;
 - (2) a presentation by the appellant, limited to five minutes;
 - (3) comment by persons supporting the appeal subject to the time limitations prescribed in Section 1-1-9 (*Speaker Registration and Speaking Time*);
 - (4) comment by persons opposing the appeal subject to the time limitations prescribed in Section 1-1-9 (*Speaker Registration and Speaking Time*); and
 - (5) a rebuttal by the appellant, limited to three minutes.
- (C) Notwithstanding Section 2-1-2(B) (*Conduct of Public Hearings*), for a public hearing on an appeal, a person desiring to speak during the hearing must be registered to speak before the item is called for consideration by Council.

7 pages
+ 3
attached
documents

DOC RECEIVED AT
SEP 30 '19 04:11:10

Carlos León (9/30/19)

TO: City of Austin, Human Resources

Re: Library Commission staff liaison
Sharon Hertfurth's unprofessional,
disrespectful language +
behavior against me evidenced
by her untrue, unlawful
communication to me in a
professional work environment,
violating City of Austin's
personnel policies for non-civil
service personnel, part B -
Employee Conduct

(1 of 7)

Date of Incident: Sept. 23, 2019

Location: Carver Library

Description of Incident:

At approximately 6:32 PM, about two minutes after the 6:30 PM Library Commission meeting started, I approached Sharon Hertfurth, the Library Commission staff liaison, to sign up for Citizen Communication Item 1 on the agenda, which was already going on at that time.

Ms. Hertfurth told me I had to sign up for Citizen Communication before the meeting started, which the agenda explicitly states

Since that rule seemed reasonable because Citizen Communication is the first agenda item, done at the beginning of the meeting, I did not argue.

Instead, I responded by telling Ms. Herfurth I wanted to sign up to speak on items 6b & 9 on the agenda, which had not yet been called.

However, Herfurth replied that I had to sign up to speak on those agenda items before the meeting started, though neither the agenda nor the Library Commission bylaws nor Robert's Rules of Order require me to do so because it violates city rules. [See attached agenda & bylaws]

According to PROCEDURES FOR AUSTIN CITY COUNCIL MEETINGS, PUBLIC HEARINGS, AND APPEALS, § 1-1-9 SPEAKER REGISTRATION AND SPEAKER TIME, part B, a person may register to speak on an agenda item after the meeting has started, as long as he or she registers before the last person who has registered to testify on the item has begun to testify.

(2 of 7)

(3 of 7)

Therefore, because the last registered person for an item cannot testify on that item before that item is called by the presiding officer/chair, I had the legal right to sign up to speak on items 6b & 9 before they were called, whether or not anyone else had signed up to speak on them, though the meeting had just started.

Therefore, Ms. Herfurth made a false statement to wrongly justify her unlawful decision.

In fact, the Texas Citizen Participation Act shall be construed liberally to encourage and safeguard my constitutional rights to speak freely and otherwise participate in government to the maximum extent permitted by law per Texas Civil Practices & Remedies Codes 27.002 + 27.011.

Therefore, because library commission meetings are official proceedings of city government, "exercise of the right of free speech" means a communication with a matter of public concern, "communication" includes making

oral statements, and "matter of public concern" includes issues related to the government, per Texas Civil Practices & Remedies Codes 27.001 (1), (2), (7), & (8), my legal rights to sign up for & speak on items 6b and 9 were unlawfully denied me.

(t) (7)
In fact, per PROCEDURES FOR AUSTIN CITY COUNCIL MEETINGS, PUBLIC HEARINGS AND APPEALS § 1-1-9 SPEAKER REGISTRATION AND SPEAKER TIME part (c), I am not limited in the number of items on which I can register to testify.

Also, per § 1-1-9 (D), I should have been granted three minutes to speak on item 6b and three minutes to speak on item 9.

Therefore, because PROCEDURES FOR AUSTIN CITY COUNCIL MEETINGS, PUBLIC HEARINGS AND APPEALS, and the Texas Citizens Participation Act have been effective for more than two years and Ms. Herforth has been staff liaison for the Library Commission for more than two years, she is expected to know & follow /

City rules & state law to facilitate
Citizen participation at library
commission meetings, not say & do
the exact opposite.

Therefore, if MS. Herfurth did not
know the rules & law, she is too
incompetent to be staff liason.

However, if she did know the rules &
law then she intentionally discriminated
against me, which is illegal and
a legal reason to not allow her
to continue being staff liason to
the Library Commission.

Therefore, MS. Herfurth did not fairly
& impartially administer the rules of
order and did not enable the
timely & substantial participation
of Austin's citizens to well serve
Austin's exercise of representative
democracy. Though City Council
requires her to do so, per §1-1-1
(3) of the PROCEDURES FOR
AUSTIN CITY COUNCIL MEETINGS,
PUBLIC HEARINGS, AND APPEALS.

In fact, public servant Herfurth
appeared to intentionally say & do
the exact opposite what she
is legally bound to do & say to

(5 of 7)

(6 of 7)

illegally chill my participation + free speech at the Library Commission meeting, meaning she is allegedly guilty of viewpoint discrimination, a First Amendment violation of the Free Speech clause, as well as violating the Due Process + Equal Protection clauses of the fourteenth Amendment.

In fact, Herfurth did not correct her false statement + unlawful action later in the meeting when I publicly stood up when Item 6B was officially called + told the Library Commission I tried to sign up to speak on the item at the beginning of the meeting but was not allowed to do so by Herfurth.

Therefore, Herfurth allegedly abused her official capacity to officially oppress me, violating Texas Penal Code's 39.02 + 39.03.

Therefore, Herfurth needs to be legally held accountable ASAP for her alleged criminal behavior so that she NEVER again tries making false statements to, gaslighting or illegally silencing me or any other member of the public that she is legally bound to serve,

per Texas Penal Code 1.07(a)(4)(A).

Therefore, immediately address my
complaint, & keep it in Ms.
Hertforth's personnel file permanently.

Expect me to follow up in person at
City Hall with the Office of
the City Clerk.

Expect me to officially request a copy
of the official response from the
Office of the City Clerk and a
copy of the official response
from ~~the~~ Human Resources.

Carlos León

Carlos León

(7 of 7)



LIBRARY COMMISSION
September 23, 2019 – 6:30 PM
Carver Branch
1161 Angelina St.
AUSTIN, TEXAS

The Library Commission shall make recommendations to the city council on matters relating to the establishment, maintenance, and operation of the public libraries. Section 2-1-150 of the City Code.

Patricia Dabbert, JC Dwyer, Aimee Finney, Catherine Hanna, Deborah Pardo-Kaplan, Daniella Ramos, Steven Self, Beth Smyer, and Chad Williams

AGENDA

CALL TO ORDER

1. **Citizen Communication: General**
The first 5 speakers signed up prior to the meeting being called to order will each be allowed a three-minute allotment to address their concerns regarding items not posted on the agenda.
2. **Approval of Minutes from the August 26, 2019 Regular Meeting**
3. **Welcome and Introduction of Carver Branch Manager, Doreen Boyd**
4. **Briefing: Summer Reading Wrap-Up: Sharon Herfurth, Division Manager, Office of Programs & Partnerships**
5. **Old Business: none**
6. **New Business:**
 - a. Discussion of briefing and agenda topics for future meetings, October – December 2019
 - b. Discussion and possible action a Recommendation to add a youth member to the Library Commission
7. **Discussion of Director's Monthly Report for September 2019 covering programming highlights, facilities, policies, and APL Priorities.**
8. **Discussion of commissioner visits to branch libraries**
9. **Future Agenda Items**

ADJOURNMENT

The City of Austin is committed to compliance with the Americans with Disabilities Act. Reasonable modifications and equal access to communications will be provided upon request. Meeting locations are planned with wheelchair access. If requiring Sign Language Interpreters or alternative formats, please give notice at least 2 days before the meeting date. Please call Sharon Herfurth at the Library Department, at 512- 974-7420 for additional information; TTY users route through Relay Texas at 711.

For more information on the Library Commission, please contact Sharon Herfurth at 512- 974-7420 or sharon.herfurth@austintexas.gov

BYLAWS OF THE Library Commission

ARTICLE 1. NAME.

The name of the board is Library Commission.

ARTICLE 2. PURPOSE AND DUTIES.

The purpose of the board is make recommendations to the City Council on matters relating to the establishment, maintenance, and operation of the public libraries. § 2-1-150

ARTICLE 3. MEMBERSHIP.

- (A) The board is composed of eleven members appointed by the city council.
- (B) A member serves at the pleasure of the city council.
- (C) Board members serve for a term of four years beginning March 1st on the year of appointment.
- (D) An individual board member may not act in an official capacity except through the action of the board.
- (E) A board member who is absent for three consecutive regular meetings or one-third of all regular meetings in a "rolling" twelve month timeframe automatically vacates the member's position subject to the holdover provisions in Section 2-1-27 of the City Code. This does not apply to an absence due to illness or injury of the board member, an illness or injury of a board member's immediate family member, active military service, or the birth or adoption of the board member's child for 90 days after the event. The board member must notify the staff liaison of the reason for the absence not later than the date of the next regular meeting of the board. Failure to notify the liaison before the next regular meeting of the board will result in an unexcused absence.
- (F) At each meeting, each board member shall sign an attendance sheet which indicates that the member does not have a conflict of interest with any item on that agenda, or identifies each agenda item of which the member has a conflict of interest. Failure to sign the sheet results in the member being counted as absent and his/her votes are not counted.
- (G) A member who seeks to resign from the board shall submit a written resignation to the chair of the board, the staff liaison, or the city clerk's office. If possible, the resignation should allow for a thirty day notice so the city council can appoint a replacement.

ARTICLE 4. OFFICERS.

- (A) The officers of the board shall consist of a chair, a vice-chair, and a parliamentarian.

- (B) Officers shall be elected annually by a majority vote of the board at the first regular meeting after April 1st. In the event a current officer becomes ineligible to serve as an officer, the board may hold an emergency election as needed.
- (C) The term of office shall be one year, beginning May 1st and ending April 30th. An officer may continue to serve until a successor is elected. A person may not serve as an officer in a designated position of a board for more than four consecutive one-year terms. A person who has served as an officer in a designated position of a board for four consecutive terms is not eligible for re-election to that designated office until the expiration of two years after the last date of the person's service in that office. The board may override the term limit provision for an officer by an affirmative vote of two-thirds of the authorized board members.
- (D) A member may not hold more than one office at a time.

ARTICLE 5. DUTIES OF OFFICERS.

- (A) The chair shall preside at board meetings, appoint all committees, represent the board at ceremonial functions and approve each final meeting agenda.
- (B) In the absence of the chair, the vice-chair shall perform all duties of the chair.

ARTICLE 6. AGENDAS.

- (A) Two or more board members may place an item on the agenda by oral or written request to the staff liaison at least five days before the meeting. After first consulting with and receiving input from the staff liaison, the chair shall approve each final meeting agenda.
- (B) The board liaison shall submit the meeting agenda through the online agenda posting system for each meeting not less than 72 hours before the meeting.
- (C) Posting of the agenda must comply with Texas Government Code Chapter 551 (Texas Open Meetings Act).

ARTICLE 7. MEETINGS.

- (A) The board meetings shall comply with Texas Government Code Chapter 551 (Texas Open Meetings Act)
- (B) Board meetings shall be governed by Robert's Rules of Order.
- (C) The board may not conduct a closed meeting without the approval of the city attorney.
- (D) The board shall meet monthly. In November of each year, the board shall adopt a schedule of the meetings for the upcoming year, including makeup meeting dates for the holidays and cancelled meetings.

- (E) The chair may call a special meeting, and the chair shall call a special meeting if requested by three or more members. The call shall state the purpose of the meeting. A board may not call a meeting in addition to its regular scheduled meetings as identified in its adopted meeting schedule, more often than once a quarter, unless the meeting is required to comply with a statutory deadline or a deadline established by Council.
- (F) Six members constitute a quorum.
- (G) If a quorum for a meeting does not convene within one-half hour of the posted time for the meeting, then the meeting may not be held.
- (H) To be effective, a board action must be adopted by an affirmative vote of the number of members necessary to provide a quorum.
- (I) The chair has the same voting privilege as any other member.
- (J) The board shall allow citizens to address the board on agenda items and during a period of time set aside for citizen communications. The chair may limit a speaker to three minutes.
- (K) The staff liaison shall prepare the board minutes. The minutes of each board meeting must include the vote of each member on each item before the board and indicate whether a member is absent or failed to vote on an item.
- (L) The city clerk shall retain agendas, approved minutes, internal review reports and bylaws. The Austin Public Library shall retain all other board documents. The documents are public records under Texas Local Government Code Chapter 552 (Texas Public Information Act).
- (M) The chair shall adjourn a meeting not later than 10 p. ., unless the board votes to continue the meeting.
- (N) Each person and board member attending a board meeting should observe decorum pursuant to Section 2-1-48 of the City Code.
- (O) A member of the public may not address a board at a meeting on an item posted as a briefing.

ARTICLE 8. COMMITTEES/WORKING GROUPS.

COMMITTEES

- (A) The Library Commission will have no standing committees.
- (B) Each committee must be established by an affirmative vote of the board. A committee cannot meet until its creation is approved by the Council Audit and Finance Committee. Each committee shall consist of at least three board members appointed by the chair. A staff member shall be assigned to each committee by the director of the Austin Public Library.
- (C) The board chair shall appoint a board member as the committee chair, with the member's consent.

- (D) A majority of the total number of appointed committee members constitutes a quorum.
- (E) Each committee shall meet on a regularly scheduled basis at least quarterly.
- (F) Each committee shall make an annual report to the board at the January board meeting.
- (G) Committee meetings must be posted in accordance with Texas Government Code Chapter 551 (Texas Open Meetings Act).
- (H) At each committee meeting, a committee member shall sign in on a sheet provided and shall indicate that the member has no conflict of interest with any item on the committee meeting agenda, or identify each agenda item on which the member has a conflict of interest.

WORKING GROUPS

- (A) The board can determine the size of a working group but the number of board members serving on the working group must be less than a quorum of the board.
- (B) A working group may designate a chair, with the member's consent, but is not required to do so.
- (C) Quorum requirements do not apply to working groups.
- (D) Staff support will not be provided for working groups.
- (E) Working groups are not required to post their meetings in accordance with the Texas Government Code Chapter 551 (Texas Open Meetings Act).

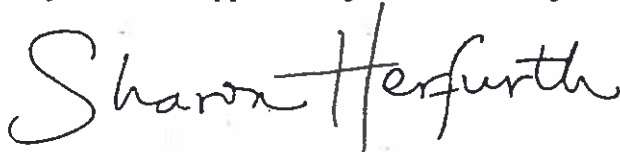
ARTICLE 9. PARLIAMENTARY AUTHORITY.

The rules contained in the current edition of Robert's Rules of Order shall govern the board in all cases to which they are applicable, except when inconsistent with these bylaws or with special rules of procedure which the board or city council may adopt.

ARTICLE 10. AMENDMENT OF BYLAWS.

A bylaw amendment is not effective unless approved by the Council Audit and Finance Committee.

The bylaws were approved by the Austin City Council at their meeting held on August 3, 2017.



Staff Liaison

PROCEDURES FOR AUSTIN CITY COUNCIL MEETINGS, PUBLIC HEARINGS, AND APPEALS

ARTICLE 1. PROCEDURES FOR CITY COUNCIL MEETINGS.

Division 1. Regular Meetings.

§ 1-1-1 COUNCIL FINDINGS.

The Council finds that:

- (1) Useful public debate at its meetings is served by the fair and impartial administration of rules of order.
- (2) Democracy is best served by participation of people in their government.
- (3) Austin's exercise of representative democracy is well-served by the timely and substantial participation of its citizens.
- (4) Minor, incidental breaches of decorum may occur in the exercise of participatory democracy.
- (5) The best government is that which is done in the open.

§ 1-1-2 PROCEDURAL DIRECTIVES.

- (A) These Procedures are directory only, and a violation of any of the provisions of this article does not affect the validity or legality of any Council action otherwise properly adopted.
- (B) The Council may waive any of the requirements of these Procedures for a particular agenda item by voice vote without the need to amend the Procedures.
- (C) The city clerk shall make copies of these Procedures available to the public.

§ 1-1-3 RULES OF ORDER.

- (A) Except in the case of a conflict with these Procedures, the City Code ("Code"), the City Charter, or state law, Council meetings should be conducted under Robert's Rules of Order.
- (B) Each person and Council Member attending a Council meeting should observe decorum. A person or Council Member should not speak out of turn, use disparaging or abusive language, or make threats of violence against any other person during a Council meeting.
- (C) The presiding officer:
 - (1) should maintain order;
 - (2) should exercise the officer's authority impartially; and
 - (3) may shorten a person's speaking time or ban a person from speaking for the duration of a meeting only for a violation of decorum set out in this section.

- (D) The presiding officer should rule out of order any Council Member breaching decorum. A Council Member ruled out of order may call for a vote of the Council to sustain or overrule the presiding officer.

§ 1-1-4 THURSDAY COUNCIL MEETING.

- (A) The Council shall meet each Thursday to consider action on city business.
- (B) A time certain prescribed in this section means that the agenda item or hearing may not be considered or heard before the time indicated, but may be considered or heard at a later time.
- (C) If possible, the presiding officer should call the Council meeting to order at the time posted. The Council may meet in executive session after the meeting is convened.
- (D) The Council should conduct the following business at specified times certain:
 - (1) a board meeting, including Austin Housing Finance Corporation;
 - (2) a bond sale;
 - (3) a briefing;
 - (4) citizens' communication;
 - (5) the consent agenda;
 - (6) live music;
 - (7) a proclamation; and
 - (8) a public hearing.
- (E) Except as otherwise provided in this section, a Council Member may request that an agenda item or hearing be set at a time certain if the Council Member receives the approval of one additional Council Member. A Council Member may, without the approval of another Council Member, request that a zoning item scheduled during the established time for zoning hearings be postponed until the later time during the Council meeting.
- (F) The presiding officer should adjourn a Council meeting at 10:00 p.m., unless there is a majority vote of the Council to continue the meeting. However, if Council is considering a matter at 10:00 p.m., the Council may proceed with consideration of the matter without first voting to continue the meeting. When possible, if Council expects not to call any new item after 10:00 p.m., reasonable notice should be given to present speakers. The presiding officer may recess a Council meeting that continues past 12:00 midnight and may reconvene the meeting at a time certain during the same day.
- (G) Not more than two briefings may be placed on a Council meeting agenda.

§ 1-1-5 CONSENT AGENDA.

- (A) The Council may adopt items by consent of the Council without a separate vote on each item as the consent agenda.
- (B) The Council may not adopt by consent an item:
 - (1) subject to a public hearing;
 - (2) posted on the agenda for consideration at a specific time;
 - (3) that a Council Member requests be pulled from the agenda for discussion;
 - (4) on which two or more people have registered to testify if the persons have registered to testify 15 minutes prior to the scheduled start time of the Council meeting; or
 - (5) that has been considered by a standing committee of the Council.
- (C) A person not wishing to speak but donating time is considered as registered to testify in determining if an item should be removed from the consent agenda.
- (D) If an individual is the only person registered to testify on an item on the consent agenda that has not been otherwise pulled for discussion, the item will remain part of the consent agenda. The person registered to testify will be allowed to speak one time, for up to three minutes on the consent agenda as a whole, regardless of the number of items for which the person has signed up to speak.
- (E) A person, other than a Council Member, may not participate in removing more than three items from the consent agenda for a single Council meeting.
 - (1) This limitation applies only to items that are removed from the consent agenda solely on the basis of the number of persons who have registered to testify or donated time, as described in Subsections (B)(4) and (C) of this section.
 - (2) The first three numerically-listed items for which a person has registered to testify or donated time shall be considered for purposes of this limitation.
 - (3) A person who is registered to speak must be present in the Council chambers when the item is pulled off the consent agenda.
- (F) The number of items pulled from consent on which a person may speak is not limited.
- (G) If one or more people have registered to speak on an item that could otherwise be approved by consent of the Council, the presiding officer should ask if reading the registration card into the record and approving the item on consent is an acceptable alternative to a presentation by the registered speakers.

§ 1-1-6 AGENDA FOR COUNCIL MEETINGS.

- (A) The city manager shall have the administrative duty to compile the agenda for each Council meeting, and shall:
 - (1) group agenda items by Council committee, or if an item has not been considered by a Council committee, by department or by topic;
 - (2) mark each action item, identifying an item that is an ordinance or a resolution;

Procedures for Austin City Council Meetings, Public Hearings, and Appeals

- (3) list items from the Council in a separate section of the agenda, unless the item has been reviewed by a Council committee;
 - (4) include the final committee report in the back-up information for each agenda item that was reviewed by a Council committee; and
 - (5) include a notice for an item that was reviewed by a Council committee stating that the item was reviewed by a Council committee.
- (B) The city manager may place an item on the Council's agenda. The city manager should not place an item on an agenda unless:
- (1) the item has been considered by the appropriate advisory board, if any;
 - (2) the item has been reviewed by a Council committee with an accompanying recommendation that the item be placed on a future Council agenda;
 - (3) the item is sponsored by four Council Members; or
 - (4) the item is an administrative matter, or the city manager determines that the back-up material accompanying the item is sufficient to provide the Council with a full explanation of the item.
- (C) The city manager shall provide electronic mail notification of the electronic posting of the agenda to any citizen who requests notification by the established electronic notification system.
- (D) Four Council Members may place an item directly on the Council agenda:
- (1) The Council Members should submit items for inclusion on an agenda not later than the second business day before the Council agenda is posted.
 - (2) If an item is submitted later than the time prescribed by this section, a sponsor of the item shall certify that the item is time sensitive because it is immediately critical to the interests of the City. The certification shall be on a form provided by the city manager.
 - (3) An item submitted for inclusion on the agenda should include posting language and a resolution, ordinance, agreement, City board report, written and oral public testimony, and other supplemental information.
- (E) A Council Member may place an item on a work session agenda for the purposes of:
- (1) discussion and identifying three other Council Members who wish to place the item directly on a Council agenda; or
 - (2) discussion and identifying three other Council Members who wish to open the item for public comment at a Council meeting.
- (F) The city manager shall publish the final agenda 13 days prior to the meeting.

§ 1-1-7 CITIZEN PARTICIPATION.

- (A) The right of a person to speak to the Council, as regulated by these Procedures, the City Charter, and state or federal law, may not be abridged.
- (B) Except as provided in Section 1-1-9 (*Speaker Registration and Speaking Time*).

officer should not refuse permission to speak to a person who has registered to speak, and who is present and ready to speak, unless the hearing or consideration of the item for which the person has registered to speak has been continued to a later meeting.

- (C) If a hearing or item for which a person has registered is continued, a person who has registered but has not spoken must re-register as a speaker at the subsequent meeting during which the hearing or item is considered by the Council.
- (D) A person who intends to speak at a Council meeting:
 - (1) under Section 1-1-8 (*General Citizen Communication*) may register by telephone, E-mail or in person; and
 - (2) under Section 1-1-9 (*Speaker Registration and Speaking Time*) must register in person.
- (E) If a formal public hearing has been held and closed on the subject matter of an agenda item, a person may not register to speak on the item at a subsequent Council meeting. The presiding officer should not entertain additional public comment during subsequent Council consideration of the subject matter of a closed public hearing.

§ 1-1-8 GENERAL CITIZEN COMMUNICATION.

- (A) At a Thursday Council meeting, a maximum of 10 people may address the Council during the general citizen communication portion of the meeting.
- (B) A person who intends to speak during general citizen communication must register between 9:00 a.m. on the 21st day before the Council meeting at which the person intends to speak and 4:30 p.m. on the 14th day before the Council meeting at which the person intends to speak.
- (C) The city clerk should not accept more than 10 registrations under this section for general citizen communications at a Council meeting. The city clerk may not register a person to speak at general citizen communication more frequently than once out of every three regularly scheduled Council meetings.
- (D) A person may not speak at general citizen communication more often than once out of every three regularly scheduled Council meetings.

§ 1-1-9 SPEAKER REGISTRATION AND SPEAKING TIME.

- (A) For an item that has been considered by a Council committee, public comment shall be taken in the same manner as for an item that has not been considered by a Council committee.
- (B) A person who intends to testify at a Council meeting on an agenda item or at a public hearing shall register on the electronic signup system.
 - (1) The person may register at any time after 12:00 noon on the Monday preceding a Council meeting, when the city clerk opens the agenda for the meeting and before the last person who has registered to testify on the item has begun to testify.
 - (2) To speak on an item on the consent agenda, a person may register at any time after 12:00 noon on the Monday preceding a Council meeting, when the city clerk opens the agenda for the meeting, and before the last person who has registered to testify on the consent agenda has begun to testify.

Procedures for Austin City Council Meetings, Public Hearings, and Appeals

- (C) Except as provided in Section 1-1-5 (*Consent Agenda*), a person is not limited in the number of items on which the person may register to testify.
- (D) Except as provided in Subsection (I), the presiding officer should grant the first 20 speakers on an agenda item three minutes each, and each subsequent speaker on the agenda item one minute, to address the Council, unless:
 - (1) the Council rules otherwise;
 - (2) the presiding officer exercises the officer's authority under Section 1-1-3 (*Rules of Order*) to limit or reduce the speaker's time.
- (E) A person may donate the person's speaking time on an agenda item or at a public hearing to another speaker if the person donating the time is present when the speaker begins to address the Council.
 - (1) A person receiving a donation of time from one of the first 20 registered speakers on an item may speak an additional two minutes for each donation of time received.
 - (2) A person receiving a donation of time from a speaker registered after the 20th speaker on an item may speak one additional minute for each donation of time received.
- (F) A speaker may not use the time of more than two other registered speakers on an agenda item or at a public hearing.
- (G) Except as required by state law, the Council may limit the number of speakers or the length of testimony at the Council's discretion. If the Council limits testimony under this subsection, the electronic registration of each non-speaking person shall be made part of the public hearing record.
- (H) A person may not register to speak on an item posted as a briefing.
- (I) The total time for public comment on an agenda item may not exceed 90 minutes unless the Council votes to extend the time for comment on the item. This subsection does not apply to:
 - (1) a public hearing subject to Article 2 of these Procedures (*Procedures for Public Hearings and Appeals*);
 - (2) a public hearing subject to Chapter 25-1, Article 6, Division 2 (*Public Hearing Procedures*) of the Code; or
 - (3) a public hearing required by state or federal law.

§ 1-1-10 RECUSAL.

A Council Member who is required to recuse from a vote or decision due to a substantial interest under Sections 2-7-63 (*Prohibition on Conflict of Interest*), 2-7-64 (*Disclosure of Conflict of Interest*), or 2-7-65 (*Substantial Interest of Relative*) of the Code, or under Chapter 171 (*Regulation of Conflicts of Interest of Officers of Municipalities, Counties, and certain Other Local Governments*) of the Texas Local Government Code shall comply with the applicable procedural requirements.

Division 2. Work Session Meetings.

§ 1-2-1 MEETINGS.

- (A) A work session shall be held each Tuesday of a week that a regular Thursday Council meeting is scheduled and shall begin at 9:00 a.m.
- (B) Meetings should be held in the City Hall Boards and Commissions Room if possible.

§ 1-2-2 WORK SESSION AGENDA.

- (A) The order of the work session agenda shall be as follows:

- (1) Agenda Review.

- (a) Preselected agenda item.

- (i) A preselected agenda item is an item from the Thursday agenda that a Council Member has selected for discussion and for which staff input is requested. Staff members will be present for the discussion.

- (ii) Council may discuss an item from the Thursday agenda that is not pre-selected. However, because the item is not preselected, staff may be unavailable for the discussion.

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

- (2) Council item of interest.

- (a) A Council item of interest is an item that is not on the Thursday Council agenda. This category may include an item that the Council wants to place on a future work session agenda.

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

- (3) Briefings.

- (B) Council Members should submit preselected agenda items to the Agenda Office by 4:00 p.m. on the Monday before the work session.
 - (C) The work session agenda shall include all items from the Thursday agenda and shall include a statement that Council may discuss any item from the Thursday agenda, including items that have not been preselected, as discussed in Subsection (A) of this section.

§ 1-2-3 BRIEFINGS.

- (A) The purpose of a work session briefing is to update the Council.

- (B) The Mayor or a Council Member may request that a person or entity having information relevant to Council provide a briefing to Council.

Procedures for Austin City Council Meetings, Public Hearings, and Appeals

- (C) A briefing that is normally placed on a Thursday agenda may not be placed on a work session agenda.

§ 1-2-4 COUNCIL ACTION.

- (A) The Council may not vote on a work session agenda item that is on the Thursday agenda.
(B) The Council may vote on a work session agenda item that is not on the Thursday agenda.

§ 1-2-5 CITIZEN PARTICIPATION.

- (A) Except as otherwise provided in this section, citizen participation is not permitted at a work session meeting.
(B) Citizen participation is permitted on any item on which Council will vote under Section 1-2-4 (*Council Action*).
(C) Council may vote to allow citizen participation during a work session or for any work session item.

ARTICLE 2. PROCEDURES FOR PUBLIC HEARINGS AND APPEALS.

Division 1. Public Hearings.

§ 2-1-1 GENERAL PROVISIONS.

- (A) Except as otherwise provided in the Code and in these Procedures, including Subsection (B) of this section and Chapter 2-5 (*Council Action, Appeals, Terms, and Committees*) of the Code, this division applies to a public hearing authorized under the Code. A provision regarding a public hearing procedure in the Code prevails over this article to the extent of any conflict.
(B) A public hearing authorized under Title 25 (*Land Development*) of the Code shall be held as prescribed by Chapter 25-1, Article 6, Division 2 (*Public Hearing Procedure*) of the Code.
(C) A public hearing should be conducted as prescribed by the Code, this article, and state and federal law.
(D) The city manager should set the date of a public hearing before the Council by publication in the agenda. The Council may change a hearing date.
(E) Except as provided in Section 1-1-9 (*Speaker Registration and Speaking Time*), a public hearing should not be closed if there is a person present who has registered to testify but has not had an opportunity to address the Council.

§ 2-1-2 CONDUCT OF PUBLIC HEARINGS.

- (A) A person shall register to speak at a public hearing as prescribed by Section 1-1-9 (*Speaker Registration and Speaking Time*).

- (B) Except as otherwise provided in the Code, a person who registers before the public hearing is closed may speak at the time provided in Subsection (C).
- (C) Except as provided in Division 2 (*Appeals*), a public hearing shall proceed as follows:
 - (1) presentation of a report by City staff;
 - (2) presentation by the applicant, for a hearing on an application, limited to five minutes;
 - (3) presentation by interested parties supporting the application or proposal subject to the time limitations prescribed in Section 1-1-9 (*Speaker Registration and Speaking Time*);
 - (4) presentation by interested parties opposing the application or proposal subject to the time limitations prescribed in Section 1-1-9 (*Speaker Registration and Speaking Time*); and
 - (5) rebuttal by the applicant, for a hearing on an application, limited to three minutes.
- (D) A Council Member may ask questions of a person at any time during the hearing.
- (E) The presiding officer may limit a speaker's time to address the body, as prescribed by Section 1-1-3 (*Rules of Order*). The presiding officer may request that a speaker eliminate repetitious or irrelevant testimony.

§ 2-1-3 POSTPONEMENT AND CONTINUATION OF PUBLIC HEARINGS.

- (A) The Council may:
 - (1) postpone a public hearing by announcing the postponement on the date and at the time and location stated in the notice for the scheduled hearing; and
 - (2) continue a public hearing to a later date by announcing the continuance after the hearing begins.
- (B) If the Council postpones or continues a hearing to a specific date and time not later than 60 days after the date on which the postponement or continuance is announced, the announcement is adequate notice of the next hearing and additional notice is not required.
- (C) If the Council does not specify a hearing date and time at the time that a postponement or continuance is announced, notice of the next hearing shall be provided in the manner required for the original hearing.

§ 2-1-4 RECORD OF PUBLIC HEARING.

- (A) The Council shall record each public hearing on audio tape or video tape.
- (B) The official record of a public hearing includes:
 - (1) the audio tape or video tape recording of the public hearing;
 - (2) the transcript of the public hearing;
 - (3) written staff reports, excluding legal advice and information presented in executive session; and
 - (4) documentary evidence submitted during a public hearing.
- (C) A person may review the official record of a public hearing.

- (D) The city clerk may establish rules regarding the time and location for review of the record.

Division 2. Appeals.

§ 2-2-1 CONDUCT OF PUBLIC HEARING ON AN APPEAL.

- (A) Before opening a hearing on an appeal, the Council shall decide preliminary issues raised by the parties, including whether the appellant has standing to appeal and whether to postpone or continue the hearing.
- (B) A public hearing on an appeal shall proceed in the following order:
- (1) a report from City staff;
 - (2) a presentation by the appellant, limited to five minutes;
 - (3) comment by persons supporting the appeal subject to the time limitations prescribed in Section 1-1-9 (*Speaker Registration and Speaking Time*);
 - (4) comment by persons opposing the appeal subject to the time limitations prescribed in Section 1-1-9 (*Speaker Registration and Speaking Time*); and
 - (5) a rebuttal by the appellant, limited to three minutes.
- (C) Notwithstanding Section 2-1-2(B) (*Conduct of Public Hearings*), for a public hearing on an appeal, a person desiring to speak during the hearing must be registered to speak before the item is called for consideration by Council.

7 pages
+ 3 attached
documents

Carlos León

9/30/19

000 RECEIVED AT
SEP 30 '19 11:13:10

TO: Ms. Stephanie Hall, Boards & Commissions

Re: Library Commission Parliamentarian
Steven Self's false statement
about City rules to wrongly
back Library Commission staff
liason Sharon Herfurth's unlawful
decision to not allow me to sign
up for agenda items 6b & 9 at
the beginning of the meeting
to wrongly back Library Commission
chair/presiding officer Catherine
Hanna's unlawful decision to not
recognize me to speak on items
6b and 9.

Date of Incident : Sept. 23, 2019

Location : Carver library

Description of Incident :

As soon as Item 6b was called by
chair/presiding officer Catherine
Hanna I spoke up loud & clear
telling everyone in attendance that
I wanted to speak on Item 6b and
that I tried to sign up to do so at
the beginning of the meeting, but
was not allowed to do so by
staff liason Sharon Herfurth.


(2 of 7)

When chair/presiding officer Hanna refused to recognize me to speak because I did not sign up to speak on Item 66 before the meeting started, I immediately appealed her wrong decision, which also was unlawful, to Parliamentarian Self, asking him directly what Library Commission bylaw required me to sign up to speak on agenda items before the meeting started.

Parliamentarian Self replied "City rule" because there is no Library Commission bylaw requiring me to sign up to speak on agenda items before the meeting started (see attached bylaws).

However, Self's statement was false because there also is no city rule requiring me to sign up to speak on agenda items before the Library Commission meeting starts.

In fact, according to PROCEDURES FOR AUSTIN CITY COUNCIL MEETINGS, PUBLIC HEARINGS AND APPEALS, § 1-1-9 SPEAKER ~~ON~~



REGISTRATION AND SPEAKER TIME,
PART B, a person may register to
speak on an agenda item after
the meeting has started as
long as he or she registers before
the last person who has registered
to testify on the item has begun
to testify.

Therefore, because the last registered
person cannot testify on an item
before that item is called by
the presiding officer/chair, ~~it~~
had the legal right to sign up
to speak on items 6b and 9
before they were called, whether
or not anyone else signed up
to speak on them, even though
the meeting had already started.

Therefore, Parliamentarian Self made
a false statement to unlawfully
deny me my right to sign up
for + speak to items 6b + 9.

In fact, The Texas Citizen Participation
Act shall be construed liberally to
encourage and safeguard my
Constitutional rights to speak freely
and otherwise participate in
government to the maximum
extent permitted by law, per

(3 of 7)

Texas Civil Practices + Remedies
Codes 27.002 + 27.011,

(4 of 7)
Therefore, because library commission meetings are official proceedings of City government "exercise of the right of free speech" means a communication with a matter of public concern, "communication" includes making oral statements and "matter of public concern" includes issues related to the government, per Texas Civil Practices + Remedies Codes 27.001 (1), (2), (7) + (8), I had the legal right to sign up for + speak on items 6b and 9.

In fact, per ~~the~~ PROCEDURES FOR AUSTIN CITY COUNCIL MEETINGS, PUBLIC HEARINGS AND APPEALS, § 1-1-9, SPEAKER REGISTRATION, AND SPEAKER TIME, part (c), I am not limited in the number of items on which I can register to testify.

Also, per § 1-1-9 (p), I should have been granted three minutes to speak on item 6b and three minutes to speak on item 9.

(5 of 7)

Therefore, because PROCEDURES FOR AUSTIN CITY COUNCIL MEETINGS, PUBLIC HEARINGS, AND APPEALS, and the Texas Citizens Participation Act have been effective for more than two years, and Mr. Self has been Parliamentarian for more than two years, he is expected to know & follow City rules & State law to facilitate Citizen participation at Library Commission meetings, not say & do the exact opposite, especially as parliamentarian.

Therefore, if Mr. Self did not know the rules & law, he is too incompetent to be parliamentarian.

However, if he did know the rules & law, then he intentionally discriminated against me which is illegal and a legal reason to not allow him to continue being parliamentarian for the Library Commission.

Therefore, Mr. Self did not fairly & impartially administer the rules of order and did not enable the timely & substantial participation of Austin's citizens to well serve

Austin's exercise of representative democracy though City Council requires him to do so, per § 1-1-1 (1)(3) of the PROCEDURES FOR AUSTIN CITY COUNCIL MEETINGS, PUBLIC HEARINGS, AND APPEALS.

(6 of 7) In fact, public servant Self appeared to intentionally say & do the exact opposite what he is legally bound to do & say to illegally chill my participation & free speech at the Library Commission meeting, meaning he is allegedly guilty of viewpoint discrimination, a First Amendment violation of the Free Speech clause, as well as violating the Due Process & Equal Protection clauses of the Fourteenth Amendment.

Therefore, Mr. Self allegedly abused his official capacity to officially oppress me, violating Texas Penal Codes 39.02 & 39.03.

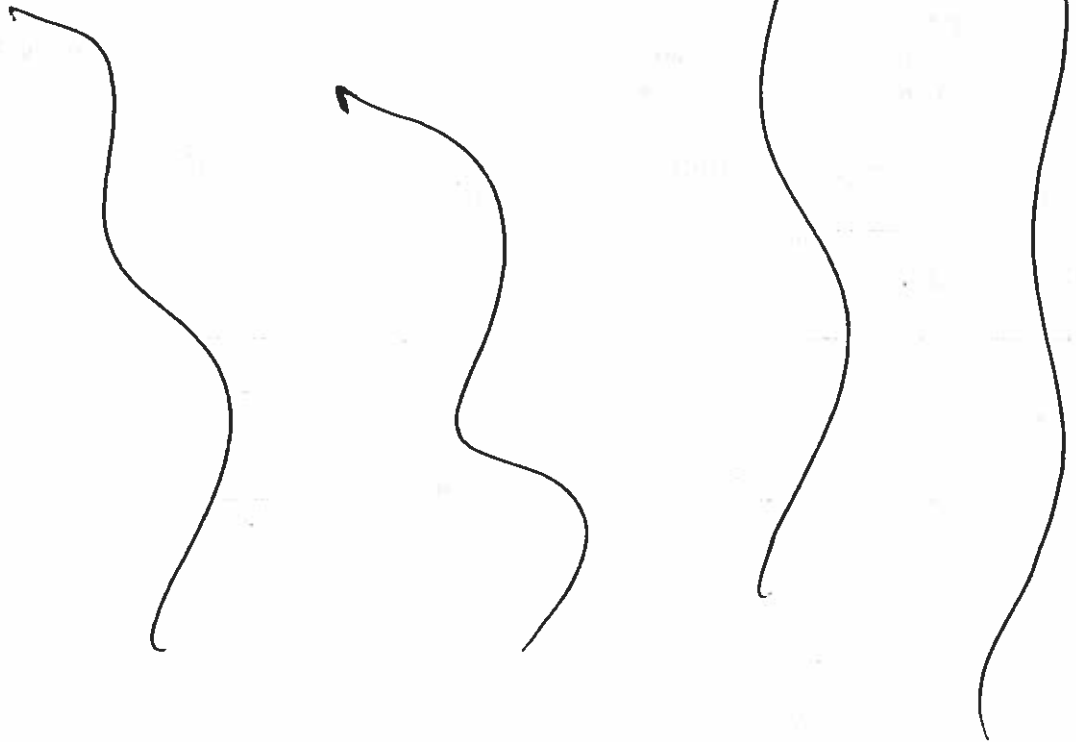
Therefore, Mr. Self needs to be legally held accountable for his alleged criminal behavior ~~as~~ ASAP ~~so that~~ he NEVER again tries making false statements to,

gaslighting, or illegally silencing me
or any other member of the
public that he is legally bound
to serve per Texas Penal Code
1.07(a)(4)(A).

(7 of 7) Therefore, immediately address my
complaint & keep it permanently
in your records.

Expect me to follow up in person
at City Hall.

Carlos León
Carlos León





LIBRARY COMMISSION
September 23, 2019 – 6:30 PM
Carver Branch
1161 Angelina St.
AUSTIN, TEXAS

The Library Commission shall make recommendations to the city council on matters relating to the establishment, maintenance, and operation of the public libraries. Section 2-1-150 of the City Code.

Patricia Dabbert, JC Dwyer, Aimee Finney, Catherine Hanna, Deborah Pardo-Kaplan, Daniella Ramos, Steven Self, Beth Smyer, and Chad Williams

AGENDA

CALL TO ORDER

1. Citizen Communication: General

The first 5 speakers signed up prior to the meeting being called to order will each be allowed a three-minute allotment to address their concerns regarding items not posted on the agenda.

2. Approval of Minutes from the August 26, 2019 Regular Meeting

3. Welcome and Introduction of Carver Branch Manager, Doreen Boyd

4. Briefing: Summer Reading Wrap-Up: Sharon Herfurth, Division Manager, Office of Programs & Partnerships

5. Old Business: none

6. New Business:

- a. Discussion of briefing and agenda topics for future meetings, October – December 2019
- b. Discussion and possible action a Recommendation to add a youth member to the Library Commission

7. Discussion of Director's Monthly Report for September 2019 covering programming highlights, facilities, policies, and APL Priorities.

8. Discussion of commissioner visits to branch libraries

9. Future Agenda Items

ADJOURNMENT

The City of Austin is committed to compliance with the Americans with Disabilities Act. Reasonable modifications and equal access to communications will be provided upon request. Meeting locations are planned with wheelchair access. If requiring Sign Language Interpreters or alternative formats, please give notice at least 2 days before the meeting date. Please call Sharon Herfurth at the Library Department, at 512- 974-7420 for additional information; TTY users route through Relay Texas at 711.

For more information on the Library Commission, please contact Sharon Herfurth at 512- 974-7420 or sharon.herfurth@austintexas.gov

**BYLAWS OF THE
Library Commission**

ARTICLE 1. NAME.

The name of the board is Library Commission.

ARTICLE 2. PURPOSE AND DUTIES.

The purpose of the board is make recommendations to the City Council on matters relating to the establishment, maintenance, and operation of the public libraries. § 2-1-150

ARTICLE 3. MEMBERSHIP.

- (A) The board is composed of eleven members appointed by the city council.
- (B) A member serves at the pleasure of the city council.
- (C) Board members serve for a term of four years beginning March 1st on the year of appointment.
- (D) An individual board member may not act in an official capacity except through the action of the board.
- (E) A board member who is absent for three consecutive regular meetings or one-third of all regular meetings in a "rolling" twelve month timeframe automatically vacates the member's position subject to the holdover provisions in Section 2-1-27 of the City Code. This does not apply to an absence due to illness or injury of the board member, an illness or injury of a board member's immediate family member, active military service, or the birth or adoption of the board member's child for 90 days after the event. The board member must notify the staff liaison of the reason for the absence not later than the date of the next regular meeting of the board. Failure to notify the liaison before the next regular meeting of the board will result in an unexcused absence.
- (F) At each meeting, each board member shall sign an attendance sheet which indicates that the member does not have a conflict of interest with any item on that agenda, or identifies each agenda item on which the member has a conflict of interest. Failure to sign the sheet results in the member being counted as absent and his/her votes are not counted.
- (G) A member who seeks to resign from the board shall submit a written resignation to the chair of the board, the staff liaison, or the city clerk's office. If possible, the resignation should allow for a thirty day notice so the city council can appoint a replacement.

ARTICLE 4. OFFICERS.

- (A) The officers of the board shall consist of a chair, a vice-chair, and a parliamentarian.

- (B) Officers shall be elected annually by a majority vote of the board at the first regular meeting after April 1st. In the event a current officer becomes ineligible to serve as an officer, the board may hold an emergency election as needed.
- (C) The term of office shall be one year, beginning May 1st and ending April 30th. An officer may continue to serve until a successor is elected. A person may not serve as an officer in a designated position of a board for more than four consecutive one-year terms. A person who has served as an officer in a designated position of a board for four consecutive terms is not eligible for re-election to that designated office until the expiration of two years after the last date of the person's service in that office. The board may override the term limit provision for an officer by an affirmative vote of two-thirds of the authorized board members.
- (D) A member may not hold more than one office at a time.

ARTICLE 5. DUTIES OF OFFICERS.

- (A) The chair shall preside at board meetings, appoint all committees, represent the board at ceremonial functions and approve each final meeting agenda.
- (B) In the absence of the chair, the vice-chair shall perform all duties of the chair.

ARTICLE 6. AGENDAS.

- (A) Two or more board members may place an item on the agenda by oral or written request to the staff liaison at least five days before the meeting. After first consulting with and receiving input from the staff liaison, the chair shall approve each final meeting agenda.
- (B) The board liaison shall submit the meeting agenda through the online agenda posting system for each meeting not less than 72 hours before the meeting.
- (C) Posting of the agenda must comply with Texas Government Code Chapter 551 (Texas Open Meetings Act).

ARTICLE 7. MEETINGS.

- (A) The board meetings shall comply with Texas Government Code Chapter 551 (Texas Open Meetings Act)
- (B) Board meetings shall be governed by Robert's Rules of Order.
- (C) The board may not conduct a closed meeting without the approval of the city attorney.
- (D) The board shall meet monthly. In November of each year, the board shall adopt a schedule of the meetings for the upcoming year, including makeup meeting dates for the holidays and cancelled meetings.

- (E) The chair may call a special meeting, and the chair shall call a special meeting if requested by three or more members. The call shall state the purpose of the meeting. A board may not call a meeting in addition to its regular scheduled meetings as identified in its adopted meeting schedule, more often than once a quarter, unless the meeting is required to comply with a statutory deadline or a deadline established by Council.
- (F) Six members constitute a quorum.
- (G) If a quorum for a meeting does not convene within one-half hour of the posted time for the meeting, then the meeting may not be held.
- (H) To be effective, a board action must be adopted by an affirmative vote of the number of members necessary to provide a quorum.
- (I) The chair has the same voting privilege as any other member.
- (J) The board shall allow citizens to address the board on agenda items and during a period of time set aside for citizen communications. The chair may limit a speaker to three minutes.
- (K) The staff liaison shall prepare the board minutes. The minutes of each board meeting must include the vote of each member on each item before the board and indicate whether a member is absent or failed to vote on an item.
- (L) The city clerk shall retain agendas, approved minutes, internal review reports and bylaws. The Austin Public Library shall retain all other board documents. The documents are public records under Texas Local Government Code Chapter 552 (Texas Public Information Act).
- (M) The chair shall adjourn a meeting not later than 10 p. ., unless the board votes to continue the meeting.
- (N) Each person and board member attending a board meeting should observe decorum pursuant to Section 2-1-48 of the City Code.
- (O) A member of the public may not address a board at a meeting on an item posted as a briefing.

ARTICLE 8. COMMITTEES/WORKING GROUPS.

COMMITTEES

- (A) The Library Commission will have no standing committees.
- (B) Each committee must be established by an affirmative vote of the board. A committee cannot meet until its creation is approved by the Council Audit and Finance Committee. Each committee shall consist of at least three board members appointed by the chair. A staff member shall be assigned to each committee by the director of the Austin Public Library.
- (C) The board chair shall appoint a board member as the committee chair, with the member's consent.

- (D) A majority of the total number of appointed committee members constitutes a quorum.
- (E) Each committee shall meet on a regularly scheduled basis at least quarterly.
- (F) Each committee shall make an annual report to the board at the January board meeting.
- (G) Committee meetings must be posted in accordance with Texas Government Code Chapter 551 (Texas Open Meetings Act).
- (H) At each committee meeting, a committee member shall sign in on a sheet provided and shall indicate that the member has no conflict of interest with any item on the committee meeting agenda, or identify each agenda item on which the member has a conflict of interest.

WORKING GROUPS

- (A) The board can determine the size of a working group but the number of board members serving on the working group must be less than a quorum of the board.
- (B) A working group may designate a chair, with the member's consent, but is not required to do so.
- (C) Quorum requirements do not apply to working groups.
- (D) Staff support will not be provided for working groups.
- (E) Working groups are not required to post their meetings in accordance with the Texas Government Code Chapter 551 (Texas Open Meetings Act).

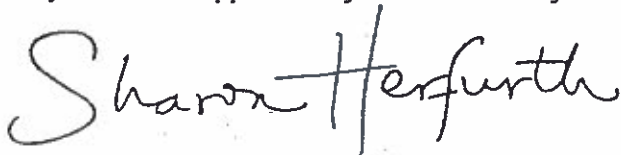
ARTICLE 9. PARLIAMENTARY AUTHORITY.

The rules contained in the current edition of Robert's Rules of Order shall govern the board in all cases to which they are applicable, except when inconsistent with these bylaws or with special rules of procedure which the board or city council may adopt.

ARTICLE 10. AMENDMENT OF BYLAWS.

A bylaw amendment is not effective unless approved by the Council Audit and Finance Committee.

The bylaws were approved by the Austin City Council at their meeting held on August 3, 2017.



Staff Liaison

PROCEDURES FOR AUSTIN CITY COUNCIL MEETINGS, PUBLIC HEARINGS, AND APPEALS

ARTICLE 1. PROCEDURES FOR CITY COUNCIL MEETINGS.

Division 1. Regular Meetings.

§ 1-1-1 COUNCIL FINDINGS.

The Council finds that:

- (1) Useful public debate at its meetings is served by the fair and impartial administration of rules of order.
- (2) Democracy is best served by participation of people in their government.
- (3) Austin's exercise of representative democracy is well-served by the timely and substantial participation of its citizens.
- (4) Minor, incidental breaches of decorum may occur in the exercise of participatory democracy.
- (5) The best government is that which is done in the open.

§ 1-1-2 PROCEDURAL DIRECTIVES.

- (A) These Procedures are directory only, and a violation of any of the provisions of this article does not affect the validity or legality of any Council action otherwise properly adopted.
- (B) The Council may waive any of the requirements of these Procedures for a particular agenda item by voice vote without the need to amend the Procedures.
- (C) The city clerk shall make copies of these Procedures available to the public.

§ 1-1-3 RULES OF ORDER.

- (A) Except in the case of a conflict with these Procedures, the City Code ("Code"), the City Charter, or state law, Council meetings should be conducted under Robert's Rules of Order.
- (B) Each person and Council Member attending a Council meeting should observe decorum. A person or Council Member should not speak out of turn, use disparaging or abusive language, or make threats of violence against any other person during a Council meeting.
- (C) The presiding officer:
 - (1) should maintain order;
 - (2) should exercise the officer's authority impartially; and
 - (3) may shorten a person's speaking time or ban a person from speaking for the duration of a meeting only for a violation of decorum set out in this section.

- (D) The presiding officer should rule out of order any Council Member breaching decorum. A Council Member ruled out of order may call for a vote of the Council to sustain or overrule the presiding officer.

§ 1-1-4 THURSDAY COUNCIL MEETING.

- (A) The Council shall meet each Thursday to consider action on city business.
- (B) A time certain prescribed in this section means that the agenda item or hearing may not be considered or heard before the time indicated, but may be considered or heard at a later time.
- (C) If possible, the presiding officer should call the Council meeting to order at the time posted. The Council may meet in executive session after the meeting is convened.
- (D) The Council should conduct the following business at specified times certain:
 - (1) a board meeting, including Austin Housing Finance Corporation;
 - (2) a bond sale;
 - (3) a briefing;
 - (4) citizens' communication;
 - (5) the consent agenda;
 - (6) live music;
 - (7) a proclamation; and
 - (8) a public hearing.
- (E) Except as otherwise provided in this section, a Council Member may request that an agenda item or hearing be set at a time certain if the Council Member receives the approval of one additional Council Member. A Council Member may, without the approval of another Council Member, request that a zoning item scheduled during the established time for zoning hearings be postponed until the later time during the Council meeting.
- (F) The presiding officer should adjourn a Council meeting at 10:00 p.m., unless there is a majority vote of the Council to continue the meeting. However, if Council is considering a matter at 10:00 p.m., the Council may proceed with consideration of the matter without first voting to continue the meeting. When possible, if Council expects not to call any new item after 10:00 p.m., reasonable notice should be given to present speakers. The presiding officer may recess a Council meeting that continues past 12:00 midnight and may reconvene the meeting at a time certain during the same day.
- (G) Not more than two briefings may be placed on a Council meeting agenda.

Procedures for Austin City Council Meetings, Public Hearings, and Appeals

§ 1-1-5 CONSENT AGENDA.

- (A) The Council may adopt items by consent of the Council without a separate vote on each item as the consent agenda.
- (B) The Council may not adopt by consent an item:
 - (1) subject to a public hearing;
 - (2) posted on the agenda for consideration at a specific time;
 - (3) that a Council Member requests be pulled from the agenda for discussion;
 - (4) on which two or more people have registered to testify if the persons have registered to testify 15 minutes prior to the scheduled start time of the Council meeting; or
 - (5) that has been considered by a standing committee of the Council.
- (C) A person not wishing to speak but donating time is considered as registered to testify in determining if an item should be removed from the consent agenda.
- (D) If an individual is the only person registered to testify on an item on the consent agenda that has not been otherwise pulled for discussion, the item will remain part of the consent agenda. The person registered to testify will be allowed to speak one time, for up to three minutes on the consent agenda as a whole, regardless of the number of items for which the person has signed up to speak.
- (E) A person, other than a Council Member, may not participate in removing more than three items from the consent agenda for a single Council meeting.
 - (1) This limitation applies only to items that are removed from the consent agenda solely on the basis of the number of persons who have registered to testify or donated time, as described in Subsections (B)(4) and (C) of this section.
 - (2) The first three numerically-listed items for which a person has registered to testify or donated time shall be considered for purposes of this limitation.
 - (3) A person who is registered to speak must be present in the Council chambers when the item is pulled off the consent agenda.
- (F) The number of items pulled from consent on which a person may speak is not limited.
- (G) If one or more people have registered to speak on an item that could otherwise be approved by consent of the Council, the presiding officer should ask if reading the registration card into the record and approving the item on consent is an acceptable alternative to a presentation by the registered speakers.

§ 1-1-6 AGENDA FOR COUNCIL MEETINGS.

- (A) The city manager shall have the administrative duty to compile the agenda for each Council meeting, and shall:
 - (1) group agenda items by Council committee, or if an item has not been considered by a Council committee, by department or by topic;
 - (2) mark each action item, identifying an item that is an ordinance or a resolution;

Procedures for Austin City Council Meetings, Public Hearings, and Appeals

- (3) list items from the Council in a separate section of the agenda, unless the item has been reviewed by a Council committee;
 - (4) include the final committee report in the back-up information for each agenda item that was reviewed by a Council committee; and
 - (5) include a notice for an item that was reviewed by a Council committee stating that the item was reviewed by a Council committee.
- (B) The city manager may place an item on the Council's agenda. The city manager should not place an item on an agenda unless:
- (1) the item has been considered by the appropriate advisory board, if any;
 - (2) the item has been reviewed by a Council committee with an accompanying recommendation that the item be placed on a future Council agenda;
 - (3) the item is sponsored by four Council Members; or
 - (4) the item is an administrative matter, or the city manager determines that the back-up material accompanying the item is sufficient to provide the Council with a full explanation of the item.
- (C) The city manager shall provide electronic mail notification of the electronic posting of the agenda to any citizen who requests notification by the established electronic notification system.
- (D) Four Council Members may place an item directly on the Council agenda:
- (1) The Council Members should submit items for inclusion on an agenda not later than the second business day before the Council agenda is posted.
 - (2) If an item is submitted later than the time prescribed by this section, a sponsor of the item shall certify that the item is time sensitive because it is immediately critical to the interests of the City. The certification shall be on a form provided by the city manager.
 - (3) An item submitted for inclusion on the agenda should include posting language and a resolution, ordinance, agreement, City board report, written and oral public testimony, and other supplemental information.
- (E) A Council Member may place an item on a work session agenda for the purposes of:
- (1) discussion and identifying three other Council Members who wish to place the item directly on a Council agenda; or
 - (2) discussion and identifying three other Council Members who wish to open the item for public comment at a Council meeting.
- (F) The city manager shall publish the final agenda 13 days prior to the meeting.

§ 1-1-7 CITIZEN PARTICIPATION.

- (A) The right of a person to speak to the Council, as regulated by these Procedures, the City Charter, and state or federal law, may not be abridged.
- (B) Except as provided in Section 1-1-9 (*Speaker Registration and Speaking Time*),

officer should not refuse permission to speak to a person who has registered to speak, and who is present and ready to speak, unless the hearing or consideration of the item for which the person has registered to speak has been continued to a later meeting.

- (C) If a hearing or item for which a person has registered is continued, a person who has registered but has not spoken must re-register as a speaker at the subsequent meeting during which the hearing or item is considered by the Council.
- (D) A person who intends to speak at a Council meeting:
 - (1) under Section 1-1-8 (*General Citizen Communication*) may register by telephone, E-mail or in person; and
 - (2) under Section 1-1-9 (*Speaker Registration and Speaking Time*) must register in person.
- (E) If a formal public hearing has been held and closed on the subject matter of an agenda item, a person may not register to speak on the item at a subsequent Council meeting. The presiding officer should not entertain additional public comment during subsequent Council consideration of the subject matter of a closed public hearing.

§ 1-1-8 GENERAL CITIZEN COMMUNICATION.

- (A) At a Thursday Council meeting, a maximum of 10 people may address the Council during the general citizen communication portion of the meeting.
- (B) A person who intends to speak during general citizen communication must register between 9:00 a.m. on the 21st day before the Council meeting at which the person intends to speak and 4:30 p.m. on the 14th day before the Council meeting at which the person intends to speak.
- (C) The city clerk should not accept more than 10 registrations under this section for general citizen communications at a Council meeting. The city clerk may not register a person to speak at general citizen communication more frequently than once out of every three regularly scheduled Council meetings.
- (D) A person may not speak at general citizen communication more often than once out of every three regularly scheduled Council meetings.

§ 1-1-9 SPEAKER REGISTRATION AND SPEAKING TIME.

- (A) For an item that has been considered by a Council committee, public comment shall be taken in the same manner as for an item that has not been considered by a Council committee.
- (B) A person who intends to testify at a Council meeting on an agenda item or at a public hearing shall register on the electronic signup system.
 - (1) The person may register at any time after 12:00 noon on the Monday preceding a Council meeting, when the city clerk opens the agenda for the meeting and before the last person who has registered to testify on the item has begun to testify.
 - (2) To speak on an item on the consent agenda, a person may register at any time after 12:00 noon on the Monday preceding a Council meeting, when the city clerk opens the agenda for the meeting, and before the last person who has registered to testify on the consent agenda has begun to testify.

Procedures for Austin City Council Meetings, Public Hearings, and Appeals

- (C) Except as provided in Section 1-1-5 (*Consent Agenda*), a person is not limited in the number of items on which the person may register to testify.
- (D) Except as provided in Subsection (I), the presiding officer should grant the first 20 speakers on an agenda item three minutes each, and each subsequent speaker on the agenda item one minute, to address the Council, unless:
 - (1) the Council rules otherwise;
 - (2) the presiding officer exercises the officer's authority under Section 1-1-3 (*Rules of Order*) to limit or reduce the speaker's time.
- (E) A person may donate the person's speaking time on an agenda item or at a public hearing to another speaker if the person donating the time is present when the speaker begins to address the Council.
 - (1) A person receiving a donation of time from one of the first 20 registered speakers on an item may speak an additional two minutes for each donation of time received.
 - (2) A person receiving a donation of time from a speaker registered after the 20th speaker on an item may speak one additional minute for each donation of time received.
- (F) A speaker may not use the time of more than two other registered speakers on an agenda item or at a public hearing.
- (G) Except as required by state law, the Council may limit the number of speakers or the length of testimony at the Council's discretion. If the Council limits testimony under this subsection, the electronic registration of each non-speaking person shall be made part of the public hearing record.
- (H) A person may not register to speak on an item posted as a briefing.
- (I) The total time for public comment on an agenda item may not exceed 90 minutes unless the Council votes to extend the time for comment on the item. This subsection does not apply to:
 - (1) a public hearing subject to Article 2 of these Procedures (*Procedures for Public Hearings and Appeals*);
 - (2) a public hearing subject to Chapter 25-1, Article 6, Division 2 (*Public Hearing Procedures*) of the Code; or
 - (3) a public hearing required by state or federal law.

§ 1-1-10 RECUSAL.

A Council Member who is required to recuse from a vote or decision due to a substantial interest under Sections 2-7-63 (*Prohibition on Conflict of Interest*), 2-7-64 (*Disclosure of Conflict of Interest*), or 2-7-65 (*Substantial Interest of Relative*) of the Code, or under Chapter 171 (*Regulation of Conflicts of Interest of Officers of Municipalities, Counties, and certain Other Local Governments*) of the Texas Local Government Code shall comply with the applicable procedural requirements.

Division 2. Work Session Meetings.

§ 1-2-1 MEETINGS.

- (A) A work session shall be held each Tuesday of a week that a regular Thursday Council meeting is scheduled and shall begin at 9:00 a.m.
- (B) Meetings should be held in the City Hall Boards and Commissions Room if possible.

§ 1-2-2 WORK SESSION AGENDA.

- (A) The order of the work session agenda shall be as follows:

- (1) Agenda Review.

- (a) Preselected agenda item.

- (i) A preselected agenda item is an item from the Thursday agenda that a Council Member has selected for discussion and for which staff input is requested. Staff members will be present for the discussion.

- (ii) Council may discuss an item from the Thursday agenda that is not pre-selected. However, because the item is not preselected, staff may be unavailable for the discussion.

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

- (2) Council item of interest.

- (a) A Council item of interest is an item that is not on the Thursday Council agenda. This category may include an item that the Council wants to place on a future work session agenda.

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

- (3) Briefings.

- (B) Council Members should submit preselected agenda items to the Agenda Office by 4:00 p.m. on the Monday before the work session.

- (C) The work session agenda shall include all items from the Thursday agenda and shall include a statement that Council may discuss any item from the Thursday agenda, including items that have not been preselected, as discussed in Subsection (A) of this section.

§ 1-2-3 BRIEFINGS.

- (A) The purpose of a work session briefing is to update the Council.

- (B) The Mayor or a Council Member may request that a person or entity having information relevant to Council provide a briefing to Council.

Procedures for Austin City Council Meetings, Public Hearings, and Appeals

- (C) A briefing that is normally placed on a Thursday agenda may not be placed on a work session agenda.

§ 1-2-4 COUNCIL ACTION.

- (A) The Council may not vote on a work session agenda item that is on the Thursday agenda.
(B) The Council may vote on a work session agenda item that is not on the Thursday agenda.

§ 1-2-5 CITIZEN PARTICIPATION.

- (A) Except as otherwise provided in this section, citizen participation is not permitted at a work session meeting.
(B) Citizen participation is permitted on any item on which Council will vote under Section 1-2-4 (*Council Action*).
(C) Council may vote to allow citizen participation during a work session or for any work session item.

ARTICLE 2. PROCEDURES FOR PUBLIC HEARINGS AND APPEALS.

Division 1. Public Hearings.

§ 2-1-1 GENERAL PROVISIONS.

- (A) Except as otherwise provided in the Code and in these Procedures, including Subsection (B) of this section and Chapter 2-5 (*Council Action, Appeals, Terms, and Committees*) of the Code, this division applies to a public hearing authorized under the Code. A provision regarding a public hearing procedure in the Code prevails over this article to the extent of any conflict.
(B) A public hearing authorized under Title 25 (*Land Development*) of the Code shall be held as prescribed by Chapter 25-1, Article 6, Division 2 (*Public Hearing Procedure*) of the Code.
(C) A public hearing should be conducted as prescribed by the Code, this article, and state and federal law.
(D) The city manager should set the date of a public hearing before the Council by publication in the agenda. The Council may change a hearing date.
(E) Except as provided in Section 1-1-9 (*Speaker Registration and Speaking Time*), a public hearing should not be closed if there is a person present who has registered to testify but has not had an opportunity to address the Council.

§ 2-1-2 CONDUCT OF PUBLIC HEARINGS.

- (A) A person shall register to speak at a public hearing as prescribed by Section 1-1-9 (*Speaker Registration and Speaking Time*).

Procedures for Austin City Council Meetings, Public Hearings, and Appeals

- (B) Except as otherwise provided in the Code, a person who registers before the public hearing is closed may speak at the time provided in Subsection (C).
- (C) Except as provided in Division 2 (*Appeals*), a public hearing shall proceed as follows:
 - (1) presentation of a report by City staff;
 - (2) presentation by the applicant, for a hearing on an application, limited to five minutes;
 - (3) presentation by interested parties supporting the application or proposal subject to the time limitations prescribed in Section 1-1-9 (*Speaker Registration and Speaking Time*);
 - (4) presentation by interested parties opposing the application or proposal subject to the time limitations prescribed in Section 1-1-9 (*Speaker Registration and Speaking Time*); and
 - (5) rebuttal by the applicant, for a hearing on an application, limited to three minutes.
- (D) A Council Member may ask questions of a person at any time during the hearing.
- (E) The presiding officer may limit a speaker's time to address the body, as prescribed by Section 1-1-3 (*Rules of Order*). The presiding officer may request that a speaker eliminate repetitious or irrelevant testimony.

§ 2-1-3 POSTPONEMENT AND CONTINUATION OF PUBLIC HEARINGS.

- (A) The Council may:
 - (1) postpone a public hearing by announcing the postponement on the date and at the time and location stated in the notice for the scheduled hearing; and
 - (2) continue a public hearing to a later date by announcing the continuance after the hearing begins.
- (B) If the Council postpones or continues a hearing to a specific date and time not later than 60 days after the date on which the postponement or continuance is announced, the announcement is adequate notice of the next hearing and additional notice is not required.
- (C) If the Council does not specify a hearing date and time at the time that a postponement or continuance is announced, notice of the next hearing shall be provided in the manner required for the original hearing.

§ 2-1-4 RECORD OF PUBLIC HEARING.

- (A) The Council shall record each public hearing on audio tape or video tape.
- (B) The official record of a public hearing includes:
 - (1) the audio tape or video tape recording of the public hearing;
 - (2) the transcript of the public hearing;
 - (3) written staff reports, excluding legal advice and information presented in executive session; and
 - (4) documentary evidence submitted during a public hearing.
- (C) A person may review the official record of a public hearing.

- (D) The city clerk may establish rules regarding the time and location for review of the record.

Division 2. Appeals.

§ 2-2-1 CONDUCT OF PUBLIC HEARING ON AN APPEAL.

- (A) Before opening a hearing on an appeal, the Council shall decide preliminary issues raised by the parties, including whether the appellant has standing to appeal and whether to postpone or continue the hearing.
- (B) A public hearing on an appeal shall proceed in the following order:
- (1) a report from City staff;
 - (2) a presentation by the appellant, limited to five minutes;
 - (3) comment by persons supporting the appeal subject to the time limitations prescribed in Section 1-1-9 (*Speaker Registration and Speaking Time*);
 - (4) comment by persons opposing the appeal subject to the time limitations prescribed in Section 1-1-9 (*Speaker Registration and Speaking Time*); and
 - (5) a rebuttal by the appellant, limited to three minutes.
- (C) Notwithstanding Section 2-1-2(B) (*Conduct of Public Hearings*), for a public hearing on an appeal, a person desiring to speak during the hearing must be registered to speak before the item is called for consideration by Council.