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

36 (E) This paragraph provides for a transition from elections for mayor occurring  
37 in even-numbered years that do not coincide with a presidential election to  
38 even-numbered years that do coincide with a presidential election. Except  
39 as provided in this paragraph, and after the transition as prescribed in this  
40 paragraph, the regular term of the mayor is four years.

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42 (1) The term of the mayor elected in the November 2022 general  
43 election is two years.

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45 (2) A general election shall be held for mayor in November 2024,  
46 marking the end of the transition period.

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48 **PART 3.** If Proposition **B** is approved by the majority of voters voting at the  
49 election, the City Charter is amended to read as follows:

50 **ARTICLE III.-ELECTIONS.**

51 **§ 9.-RANKED CHOICE VOTING**

52 (A) This section shall be operative provided it is not in conflict with the state  
53 constitution or the state laws.

54

55 (B) To the extent of any conflict with other provisions of this Charter, this  
56 section controls.

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58 (C) For the purposes of this section, the following terms have the following  
59 meanings:

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61 (1) Batch elimination. The term “batch elimination” means the  
62 simultaneous elimination of multiple candidates whose election is  
63 mathematically impossible.

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65 (2) Continuing ballot. The term “continuing ballot” means a ballot that  
66 is not an inactive ballot.

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- (3) Continuing candidate. The term “continuing candidate” means any candidate who has not been eliminated.
  
- (4) Election is mathematically impossible. The term “election is mathematically impossible” applies to a candidate who cannot be elected because such candidate’s vote total in a round, plus all votes that could possibly be transferred to such candidate in future rounds from candidates who received a fewer or an equal number of votes, would not be enough to surpass that of the candidate with the next highest vote total in such round.
  
- (5) Inactive ballot. The term “inactive ballot” means a ballot in which all ranked candidates have been eliminated, or a ballot that assigns equal rank to two or more candidates and all candidates with higher ranks than the rank assigned to two or more candidates are eliminated.
  
- (6) Highest rank. The term “highest rank” refers to the highest rank whether that be rank number 1, rank number 2, rank number 3, rank number 4, or rank number 5.
  
- (7) Last place candidate. The term “last place candidate” means a continuing candidate with the fewest votes in a round.
  
- (8) Rank. The term “rank” means the number assigned on a ballot by a voter to a candidate to express the voter’s preference for that candidate. Rank number 1 is the highest ranking, rank number 2 is the next highest ranking, and so on.
  
- (9) Ranked choice election. The term “ranked choice election” means any election for a ranked choice office.
  
- (10) Ranked choice office. The term “ranked choice office” means the offices of mayor and council member.

(D) The provisions of this section shall apply to ranked choice elections. No runoff election shall be held for any ranked choice office.

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(E) All candidates in a ranked choice election shall be listed on the ballot. The ballot shall permit a voter to rank five candidates for each office, inclusive of any write-in candidate permitted by law, in order of preference, unless there are fewer than five candidates on the ballot for such office, in which case the ballot shall permit a voter to rank the total number of such candidates for such office inclusive of any write-in candidate permitted by law.

(F) For all ranked choice elections, the following tabulation procedures apply:

(1) If a candidate receives a majority of highest rank votes, that candidate shall be elected.

(2) If no candidate receives a majority of highest rank votes, tabulation shall proceed in rounds. In each round, the number of votes for each continuing candidate shall be counted; each continuing ballot shall count as one vote for its highest ranked continuing candidate for that round; and inactive ballots shall not be counted for any continuing candidate. A round ends with one of the following outcomes:

(i) If there are two continuing candidates, the candidate with the most votes shall be elected.

(ii) If there are more than two continuing candidates, the last place candidate shall be eliminated and a new round shall begin; provided, however, that batch elimination shall occur at the same time as such elimination of the last place candidate, unless such batch elimination would result in only one continuing candidate, in which case no such batch elimination shall occur.

(3) A tie between two or more candidates shall be resolved in accordance with the election law.

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

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

143 **§ 2.-FORM OF GOVERNMENT.**

144 The municipal government provided by this Charter shall be, and shall be known  
145 as, [~~“council-manager government.”~~]“mayor-council government.” Pursuant to the  
146 provisions of, and subject only to the limitations imposed by, the state constitution,  
147 the state laws, and this Charter, all powers of the city shall be vested in and exercised  
148 by an elective council, hereinafter referred to as “the council,” which shall be the  
149 legislative body of the city[~~enact legislation, adopt budgets, determine policies~~], and  
150 mayor, [~~appoint the city manager~~]who shall execute the laws and administer the  
151 government of the city.

152 **§ 5.-STREET DEVELOPMENT AND IMPROVEMENT.**

153 The city shall have the power to develop and improve, or cause to be developed  
154 and improved, any and all public streets, sidewalks, alleys, highways, and other  
155 public ways within the corporate limits of the city by laying out, opening, narrowing,  
156 widening, straightening, extending and establishing building lines along the same;  
157 by purchasing, condemning, and taking property therefor; by filling, grading,  
158 raising, lowering, paving, repaving, and repairing, in a permanent manner, the same;  
159 and by constructing, reconstructing, altering, repairing, and realigning curbs, gutters,  
160 drains, sidewalks, culverts, and other appurtenances and incidentals in connection  
161 with such development and improvements. The city may make or cause to be made  
162 any one or more of the kinds or classes of development and improvement authorized  
163 hereinabove, or any combination or parts thereof. The cost of such development and  
164 improvement shall be paid by the city, or partly by the city and partly by assessments  
165 levied against the property abutting thereon and the owners thereof, and such  
166 assessments may be levied in any amounts and under any procedure now or hereafter  
167 permitted by state law.

168 If improvements be ordered constructed in any part of the area between and under  
169 rails, tracks, double-tracks, turnouts and switches, and two feet on each side thereof,  
170 of any railway using, occupying, or crossing any such highway, portion or portions  
171 thereof, ordered improved, then the city council shall have power, by ordinance, to  
172 assess the whole cost of improvements in such area against such railway, and shall  
173 have power, by ordinance, to levy a special tax upon such railway, and its road-bed,  
174 ties, rails, fixtures, rights and franchises, which tax shall constitute a lien thereon  
175 superior to any other lien or claim except state, county, and city ad valorem taxes,  
176 and which may be enforced either by sale of said property in the manner provided  
177 by law for the collection of ad valorem taxes by the city, or by suit in any court

178 having jurisdiction. The ordinance levying such tax shall prescribe the time, terms  
179 and conditions of payment thereof, and the rate of interest, not to exceed eight  
180 percent per annum, and same, if not paid when due, shall be collectible, together  
181 with interest, to expenses of collection and reasonable attorney's fees, if incurred.  
182 The city council shall have power, by ordinance, to cause to be issued assignable  
183 certificates in evidence of any such assessments.

184 As an alternate and cumulative method of developing, improving, and paving any  
185 and all public streets, sidewalks, alleys, highways, and other public ways within the  
186 corporate limits, the city shall have the power and authority to proceed in accordance  
187 with Chapter 106, page 489, Acts 1927, Fortieth Legislature, First Called Session,  
188 as now or hereafter amended, to adopt plans and specifications pursuant thereto; to  
189 pay to the contractor, the successful bidder, in cash, that part of the cost which may  
190 be assessed against the abutting property and the owners thereof; to reimburse itself  
191 for the amount paid such contractor by levying assessments against the abutting  
192 property and the owners thereof, after the hearing and notice prescribed in the  
193 aforesaid statutes, in an amount permitted by said statutes and not in excess of the  
194 enhancement in value of such property occasioned by the improvements; and to issue  
195 assignable certificates in favor of the city for such assessments, said certificates to  
196 be enforceable in the manner prescribed by the aforesaid statutes. The city shall  
197 likewise have the power to make any such development, improvement or paving  
198 with its own forces if, in the opinion of the ~~council~~ mayor, the work can be done  
199 more expeditiously or economically, and in such event the city shall have the power  
200 to reimburse itself for the cost of such improvement in the same amount and in the  
201 same manner as if the work had been performed by a successful bidding contractor.

## 202 **§ 7.-LIMITED PURPOSE ANNEXATION.**

203 In addition to the power to annex additional territory for all purposes, the city  
204 shall have the power, by ordinance, to fix, alter, and extend the corporate boundary  
205 limits of the city for the limited purposes of planning, zoning, health, and safety and  
206 to annex for such limited purposes additional territory lying adjacent to the city, with  
207 or without the consent of the property owners or inhabitants of such annexed  
208 territory; provided, however, that no such territory which lies farther than five miles  
209 from the corporate boundary limits enclosing the territory which is a part of the city  
210 for all purposes, as those corporate boundary limits are now or may hereafter be  
211 established shall be annexed for any limited purpose or purposes. Whenever the  
212 boundary limits annexed for such limited purposes are not coterminous with the  
213 corporate boundary limits enclosing the territory which a part of the city for all  
214 purposes, such boundary limits of the limited purpose territory shall be known as  
215 "Limited Purpose Boundary Limits." Every ordinance by which territory is to be

216 annexed to the city for limited purposes shall state clearly the limited purpose or  
217 purposes for which it is being annexed, and shall be published one time, in a  
218 newspaper of general circulation in the city and in the form in which it is to be finally  
219 adopted, not less than 30 days prior to its final passage.

220 When any additional territory has been annexed for said limited purpose or  
221 purposes, it shall be a part of the city for such limited purpose or purposes only.  
222 However, in dealing with the property and inhabitants thereof, the city shall have  
223 every power which it otherwise possesses and which is reasonable and expedient for  
224 the accomplishment of the limited purpose or purposes for which such property is  
225 annexed, and the power of the city to deal with the property and inhabitants of such  
226 limited purpose territory shall include the powers enumerated in the next two  
227 succeeding sentences but shall not be limited or restricted thereto. With regard to  
228 territory annexed for the limited purpose of planning or zoning, the city shall have  
229 the power to control and regulate the use of property and the density of structures,  
230 to require compliance with reasonable zoning regulations, to control and regulate the  
231 subdivision of property and to control and regulate the construction of buildings.  
232 With regard to territory annexed for the limited purpose or purposes of health or  
233 safety, the city shall have the power to adopt all reasonable regulations pertaining to  
234 health and safety and to require compliance with such regulations. Every inhabitant  
235 of territory annexed for limited purpose or purposes, who is otherwise qualified,  
236 shall be entitled to vote in city elections on every issue where the question is the  
237 election or recall of the mayor or a city council member or the amendment of this  
238 Charter, and every such inhabitant shall be deemed to be a citizen of the city in  
239 connection with any ordinance, regulation, or action which is, or is alleged to be,  
240 applicable to him or her or his or her property because of such limited purpose  
241 annexation, but will not be eligible to run for any office in the City of Austin. The  
242 city shall have no power to levy any tax for municipal purposes on either the property  
243 or the inhabitants of territory annexed for limited purpose or purposes, and no funds  
244 of the city shall be spent in such territory except where reasonable and expedient for  
245 the accomplishment of the limited purpose or purposes for which the territory is  
246 annexed; but the city may collect reasonable charges from property owners and  
247 inhabitants of such territory for services rendered by the city in the accomplishment  
248 of the limited purpose or purposes for which the territory is annexed.

249 **§ 8.-TRANSITION.**

250 (A) This section provides for a transition from the “council-manager  
251 government” to the “mayor-council government.”  
252

253 (B) The charter amendments related to the transition, with the exception of the  
254 amendments to Article II, Section 1, Paragraph C (prescribing the number  
255 of geographical council districts to be created by the independent citizens  
256 redistricting commission) and Article II, Section 3 (Redistricting), shall  
257 take effect upon the commencement of the term of the mayor elected in the  
258 November 2022 general election. The amendments to Article II, Section 1.  
259 Paragraph C and Article II, Section 3, shall take effect immediately. to  
260 provide for a council composed of 11 council members elected from  
261 single-member districts to be in place following the November 2022  
262 general election.  
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264 **ARTICLE II.-THE COUNCIL.**

265 **§ 1.-COUNCIL MEMBERSHIP.**

266 (A) The council shall be composed of[:]  
267

268 [(1)] [a mayor elected from the city at large; and]

269 [(2)] [40]11 council members elected from single- member districts.

270 [(B)] [The term "council member(s)" includes the mayor unless otherwise  
271 provided.]

272 [(C)]B The independent citizens redistricting commission, as prescribed below  
273 in Section 3, shall be empowered to divide the city into [40]11  
274 geographical council districts for the election of council members. The  
275 commission shall designate each council district by a number or by other  
276 designation.

277 **§ 2.-ELIGIBILITY OF COUNCIL MEMBERS.**

278 [(A)] [A candidate for mayor must meet all eligibility requirements of state law  
279 and must have resided continuously in the state for 12 months and in the  
280 city for six months immediately preceding the regular filing deadline for a  
281 mayoral candidate's application for a place on the ballot. If the mayor  
282 ceases to reside in the city, the mayor automatically resigns.]

283 [(B)] A candidate for city council from a council district must meet all eligibility  
284 requirements of state law and must have resided continuously in the state  
285 for 12 months and in the council district from which the member is seeking

286 election for six months immediately preceding the regular filing deadline  
287 for a council candidate's application for a place on the ballot. If a council  
288 member elected from a council district ceases to reside in the district as the  
289 boundaries of the district were drawn at the time of the council member's  
290 election, the council member automatically resigns.

291 **§ 3.-REDISTRICTING.**

292 (A) For purposes of this section, the following terms are defined.

293  
294 (1) COMMISSION means the Independent Citizens Redistricting  
295 Commission.  
296

297 (2) CONTROLLING PERSON means an officer, director, manager,  
298 principal, or shareholder or member owning at least 10% ownership  
299 of a legal entity.  
300

301 (3) DAY means a calendar day, except that if the final day of a period  
302 within which an act is to be performed is a Saturday, Sunday, or  
303 holiday in which the City of Austin's offices are closed, the period  
304 is extended to the next day that is not a Saturday, Sunday, or holiday  
305 in which the City of Austin's offices are closed.  
306

307 (4) PANEL means the Applicant Review Panel of three qualified,  
308 independent auditors that screens applicants for the commission.  
309

310 (5) QUALIFIED INDEPENDENT AUDITOR means an auditor who is  
311 currently licensed by the Texas Board of Public Accountancy and  
312 has been a practicing independent auditor for at least five years prior  
313 to appointment to the Applicant Review Panel.  
314

315 (6) SPOUSE means one's licensed marriage spouse, common law  
316 spouse, or recognized domestic partner,  
317

318 (7) SUBSTANTIAL NEGLECT OF DUTY means that an individual  
319 has disregarded a manifest duty, prescribed by this section,

320 intentionally, knowingly, or negligently. Missing half or more of the  
321 meetings in a three month period constitutes a substantial neglect of  
322 duty.  
323

324 (B) In 2013 and thereafter in each year following the year in which the national  
325 census is taken under the direction of Congress at the beginning of each  
326 decade, the commission shall adjust the boundary lines of the ~~[10]~~11  
327 single-member districts in conformance with the standards and process set  
328 forth in this article. The commission shall be fully established no later than  
329 July 1, 2013, and thereafter no later than March 1 in each year ending in  
330 the number (1). The commission shall not draw district lines at any other  
331 time, except if the districts must be redrawn because of a judicial decision  
332 invalidating the then existing district plan, in whole or in part, or the date  
333 of the city election is moved. If the date of the city election is moved, then  
334 the dates in this article shall be adjusted to ensure the commission has  
335 sufficient time to draw the lines prior to the election date.  
336

337 (C) The commission shall:  
338

339 (1) conduct an open and transparent process enabling full public  
340 consideration of and comment on the drawing of district lines;  
341

342 (2) draw district lines according to the redistricting criteria specified in  
343 this section; and  
344

345 (3) conduct themselves with integrity and fairness. This selection  
346 process is designed to produce a commission that is independent  
347 from influence by the city council and is reasonably representative  
348 of this city's diversity.  
349

350 (D) The commission shall consist of 14 members.  
351

352 (1) Each commission member shall be a voter who has been  
353 continuously registered in the City of Austin for five or more years  
354 immediately preceding the date of his or her appointment. Each  
355 commission member, except the student member described below,  
356 shall have voted in at least three of the last five city of Austin general  
357 elections immediately preceding his or her application. One

358 commission member shall be a student duly enrolled in a community  
359 college or university in the City of Austin and who resides and is  
360 registered to vote in the City of Austin.

361  
362 (2) The term of office of each member of the commission expires upon  
363 the appointment of the first member of the succeeding commission  
364 in the year following the year in which the national census is taken.

365  
366 (3) Nine members of the commission shall constitute a quorum. Nine or  
367 more affirmative votes shall be required for any official action,  
368 including approval of a final plan establishing the boundaries of any  
369 council district.

370  
371 (4) Each commission member shall apply this section in a manner that  
372 is impartial and that reinforces public confidence in the integrity of  
373 the redistricting process. A commission member shall be ineligible,  
374 for a period of 10 years beginning from the date of appointment, to  
375 hold elective public office for the City of Austin. A member of the  
376 commission shall be ineligible, for a period of three years beginning  
377 from the date of appointment, to hold appointive public office for  
378 the City of Austin, to serve as paid staff for, or as a paid consultant  
379 to, the City of Austin, the city council, ~~or~~ any member of the city  
380 council or the mayor, or to receive a non-competitively bid contract  
381 with the City of Austin. This three year ban on having a paid  
382 consultancy or entering noncompetitively bid contracts applies to  
383 the member individually and all entities for which the member is a  
384 controlling person.

385  
386 (E) The commission shall establish the boundaries of the council districts for  
387 the City of Austin in a plan using the following criteria as set forth in the  
388 following order of priority:

389  
390 (1) districts shall comply with the United States Constitution. Each  
391 council district shall have reasonably equal population with other  
392 districts, except where deviation is required to comply with the  
393 federal Voting Rights Act or is allowable by law.

394  
395 (2) districts shall comply with the federal Voting Rights Act (52 U.S.C.  
396 Sec. 10101 and following) and any other requirement of federal or

397 state law.

398

399 (3) districts shall be geographically contiguous.

400

401 (4) the geographic integrity of any local neighborhood or local  
402 community of interest shall be respected in a manner that minimizes  
403 their division to the extent possible without violating the  
404 requirements of any of the preceding subsections. A community of  
405 interest is a contiguous population that shares common social and  
406 economic interests that should be included within a single district  
407 for purposes of its effective and fair representation. Communities of  
408 interest shall not include relationships with political parties,  
409 incumbents, or political candidates.

410

411 (5) to the extent practicable, district boundaries shall be drawn to  
412 encourage geographical compactness such that nearby areas of  
413 population are not bypassed for more distant populations.

414

415 (6) to the extent practicable, district boundaries shall be drawn using the  
416 boundaries of existing election precincts.

417

418 (7) to the extent practicable, district boundaries shall be drawn using  
419 geographically identifiable boundaries.

420

421 (F) The place of residence of any incumbent or potential political candidate  
422 shall not be considered in the creation of a plan or any district. Districts  
423 shall not be drawn for the purpose of favoring or discriminating against  
424 any incumbent, political candidate, or political group.

425

426 (G) By December 1, 2013, and thereafter by November 1 in each year ending  
427 in the number one, the commission shall adopt a final plan for the City of  
428 Austin specifically describing the district boundaries for each of the  
429 council districts prescribed above. Upon adoption, the commission shall  
430 certify the plan to the city council. The city council may not change the  
431 plan. The plan shall have the force and effect of law.

432

433 (1) The commission shall issue a report that explains the basis on which  
434 the commission made its decisions in achieving compliance with the  
435 criteria listed above and shall include definitions of the terms and

standards used in drawing the final plan.

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

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

(I) Commission Selection Process.

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

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

475 diversity by race, ethnicity, gender, and geography. This process  
476 shall remain open until February 1, 2013 and thereafter until  
477 September 1 in each year ending in the number zero.  
478

479 (3) The City of Austin Auditor shall remove from the commissioner or  
480 independent auditor applicant pool any person with conflicts of  
481 interest including:  
482

483 (a) Within the five years immediately preceding the date of  
484 application, either the applicant or their spouse, shall have  
485 done any of the following:  
486

487 (i) been appointed to, elected to, or have been a candidate  
488 for state or city office.  
489

490 (ii) served as an officer, employee, or paid consultant of a  
491 political party or of the campaign committee of a  
492 candidate for elective state, county or city office.  
493

494 (iii) been a registered state or local lobbyist.  
495

496 (iv) contributed or bundled \$1,000 or more in aggregate to  
497 candidates for City of Austin elective office in the last  
498 city election.  
499

500 (b) A person who has been, within the three years  
501 immediately preceding the date of application: a paid  
502 employee of the City of Austin; person performing paid  
503 services under a professional or political contract to the City  
504 of Austin, to the city council, [øø] to any member of the city  
505 council, or to the mayor; any controlling person of any such  
506 consultant; or a spouse of any of the foregoing.  
507

508 (4) No later than February 15, 2013, and no later than October 1 in each  
509 year ending in the number zero, the City Auditor shall review the  
510 auditor review panel applicants and remove those who do not meet  
511 the prescribed qualifications in subdivision 3(A)(5) or have conflicts  
512 of interest as defined by subdivision 3(I)(3). No later than February

513 15, 2013, and no later than October 1 in each year ending in the  
514 number zero, the City Auditor shall at a public meeting randomly  
515 draw the names of three qualified independent auditors from a pool  
516 consisting of all qualified independent auditors, without conflicts of  
517 interest, that have applied to serve on the Applicant Review Panel.  
518 After the drawing, the City Auditor shall notify the three qualified  
519 independent auditors whose names have been drawn that they have  
520 been selected to serve on the panel. If any of the three qualified  
521 independent auditors declines to serve on the panel or is disqualified  
522 because of any conflict of interest prescribed above in subdivision  
523 3(I)(2), the City Auditor shall resume the random drawing at a  
524 public meeting as soon as possible until three qualified independent  
525 auditors who meet the requirements of this section have agreed to  
526 serve on the panel.  
527

528 (5) No later than March 1, 2013, and thereafter no later than October 31  
529 in each year ending in the number zero, the City Auditor shall have  
530 reviewed and removed individuals with conflicts of interest as  
531 defined in subdivision 3(I)(3), or who fail to meet the qualification  
532 prescribed in subdivision 3(D)(1), from among the commission  
533 applicants, and then shall publicize the names in the applicant pool  
534 and provide copies of their applications to the Applicant Review  
535 Panel.  
536

537 (6) No later than May 1, 2013, and thereafter by January 15 in each year  
538 ending in the number one, the Applicant Review Panel shall select  
539 a pool of 60 applicants from among the qualified applicants. These  
540 persons shall be the most qualified applicants on the basis of relevant  
541 analytical skills, ability to be impartial, residency in various parts of  
542 the city, and appreciation for the City of Austin's diverse  
543 demographics and geography. The members of the Applicant  
544 Review Panel shall not communicate directly or indirectly with any  
545 elected member of the city council, or their representatives, about  
546 any matter related to the nomination process or any applicant prior  
547 to the presentation by the panel of the pool of recommended  
548 applicants to the city council.  
549

550 (7) No later than May 2, 2013, and by January 16 in each year ending  
551 in the number one thereafter, the Applicant Review Panel shall

552 submit its pool of 60 recommended applicants to the city council.  
553 Each member of the city council within five days in writing may  
554 strike up to one applicant from the pool of applicants. No reason  
555 need be given for a strike. Any applicant struck by any member of  
556 the city council must be removed from the pool of applicants. No  
557 later than May 8, 2013, and thereafter by January 22 in each year  
558 ending in one, the Applicant Review Panel shall submit the pool of  
559 remaining applicants to the City Auditor.  
560

561 (8) No later than May 9, 2013 and thereafter by January 23 in each year  
562 ending in the number one, the City Auditor shall randomly draw at  
563 a public meeting eight names from the remaining pool of applicants.  
564 These eight individuals shall serve on the commission.  
565

566 (9) No later than June 30, 2013, and thereafter by February 28 in each  
567 year ending in the number one, the eight commissioners shall review  
568 the remaining names in the pool of applicants and, from the  
569 remaining applicants in that pool, shall appoint six applicants to the  
570 commission. These six appointees must be approved by at least five  
571 affirmative votes among the eight commissioners. These six  
572 appointees shall be chosen to ensure that the commission reflects the  
573 diversity of the City of Austin, including, but not limited to, racial,  
574 ethnic, and gender diversity. However, it is not intended that  
575 formulas or specific ratios be applied for this purpose. Applicants  
576 shall also be chosen based on relevant analytical skills and ability to  
577 be impartial. As for geographic diversity, for the first redistricting  
578 in 2013, the eight commissioners shall appoint the remaining six  
579 members to ensure geographic diversity and that at least three  
580 commissioners come from each of the four existing Travis County  
581 Commissioners precincts, to the extent feasible with the remaining  
582 six open seats. As for the redistricting in each year ending in the  
583 number one thereafter, the eight commissioners shall ensure that at  
584 least one commission member resides in each of the then current  
585 council districts, to the extent feasible with the remaining six open  
586 seats.  
587

588 (10) Once constituted, the commission shall conduct hearings and adopt  
589 a plan for the boundaries of the city's council districts as required by  
590 the Charter of the City of Austin.

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

- (1) In the event of substantial neglect of duty, gross misconduct in office, or inability to discharge the duties of office, a member of the commission, having been served written notice and provided with an opportunity for a response, may be removed by a vote of 10 of the commissioners.
- (2) Any vacancy, whether created by removal, resignation, or absence, in the 14 commission positions shall be filled by the commission within 15 days after the vacancy occurs, from the remaining pool of applicants and in compliance with the applicant requirements of subdivision 3(I)(8). Nine members must agree to any appointment.

(K) The activities of the commission are subject to all of the following:

- (1) the commission shall comply with all state and city requirements for open meetings.
- (2) the records of the commission and all data considered by the commission are public records that will be made available in a manner that ensures immediate and widespread public access.
- (3) commission members and commission staff may not communicate with or receive communications about redistricting matters from anyone outside of a public hearing. This paragraph does not prohibit communication between commission members, commission staff (which shall exclude staff of any council members or of the mayor), legal counsel, and consultants retained by the commission that is otherwise permitted by state and city open meeting requirements.
- (4) the commission shall select one of its members to serve as the chair and one to serve as vice chair. The chair and vice chair shall remain voting members of the commission.
- (5) the commission shall hire commission staff, legal counsel, and

629 consultants as needed; provided, however, that compensation of  
630 such persons shall be limited to the period in which the commission  
631 is active. The commission shall establish clear criteria for the hiring  
632 and removal of these individuals, communication protocols, and a  
633 code of conduct. The commission shall apply the conflicts of interest  
634 listed in subdivision 3(I)(3) to the hiring of staff, legal counsel, and  
635 consultants. The commission shall require that at least one of the  
636 legal counsel hired by the commission has demonstrated extensive  
637 experience and expertise in implementation and enforcement of the  
638 federal Voting Rights Act of 1965 (52 U.S.C. Sec. 10101 and  
639 following). The commission shall make hiring, removal, or  
640 contracting decisions on staff, legal counsel, and consultants by nine  
641 or more affirmative votes.

642  
643 (6) notwithstanding any other provision of law, no employer shall  
644 discharge, threaten to discharge, intimidate, coerce, or retaliate  
645 against any employee by reason of such employee's membership on  
646 the commission or attendance or scheduled attendance at any  
647 meeting of the commission.

648  
649 (7) the commission shall establish and implement an open hearing  
650 process for public input and deliberation that shall be subject to  
651 public notice and promoted through an extensive outreach program  
652 to solicit broad public participation in the redistricting public review  
653 process. The hearing process shall begin with hearings to receive  
654 public input before the commission votes and approves a  
655 preliminary redistricting plan. In 2013, there shall be at least two  
656 such public hearings, before the commission votes on a preliminary  
657 plan, in each of the four Travis County Commissioner precincts, and  
658 in each year ending in the number one thereafter, there shall be at  
659 least one such public hearing, before the commission votes on a  
660 preliminary redistricting plan in each of the then existing ~~[40]~~11  
661 council districts. In addition, these hearings shall be supplemented  
662 with all other appropriate activities to further increase opportunities  
663 for the public to observe and participate in the review process.

664  
665 Following the commission's vote approving the preliminary plan,  
666 there shall be at least four public hearings, geographically dispersed  
667 with at least one hearing in each of the four Travis County

668 Commissioners' precincts and each hearing shall be held on a  
669 different date. The commission also shall display the approved  
670 preliminary plan for written public comment in a manner designed  
671 to achieve the widest public access reasonably possible. Written  
672 public comment shall be taken for at least 14 days from the date of  
673 public display of the approved preliminary plan. The commission  
674 then shall vote on a proposed final plan and then it shall hold two  
675 subsequent public hearings, one north of Lady Bird Lake and one  
676 south of Lady Bird Lake and take at least five days of written public  
677 comments. The commission then shall be finished with all hearings  
678 and adopt a final plan by no later than December 1, 2013, and  
679 thereafter by November 1 in each year ending in the number one.

680

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

686

687 (9) the city council shall appropriate sufficient funds to meet the  
688 operational cost of the commission and the cost of any outreach  
689 program to solicit broad public participation in the redistricting  
690 process.

691

692 (10) the commission shall remain inactive except when necessary to  
693 comply with its duties under this ordinance and the Charter of the  
694 City of Austin.

695

696 **§ 5.-TERM LIMITS.**

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

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

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

714 **§ 7. - POWERS OF THE COUNCIL.**

715 All legislative powers and authority which are expressly or impliedly conferred  
716 on or possessed by the city shall be vested in and exercised by the council; provided,  
717 however, that the council shall have no power to, and shall not:

718 (A) Sell, convey, lease, mortgage, or otherwise alienate any land which is now,  
719 or shall hereafter be, dedicated for park purposes, unless:

720  
721 (1) the qualified voters of the city shall authorize such act by adopting  
722 in a general or special election a proposition submitting the question  
723 and setting forth the terms and conditions under which such sale,  
724 conveyance, lease , mortgage, or other alienation is to be made; or  
725

726 (2) a lease is to an independent school district, as defined by state law,  
727 for a purpose that two-thirds of the council find is a park purpose.  
728

729 (B) Sell, convey, or lease all or any substantial part of the facilities of any  
730 municipally owned public utility, provided that the council may lease all  
731 or a substantial part of such facilities to any public agency of the State of  
732 Texas if the qualified voters of the city authorize such lease by adopting in  
733 a general or special election a proposition submitting the question and  
734 setting forth the terms and conditions under which such lease is to be made.  
735

736 (C) Accept or admit liability in, or pay any claim for damages asserted against  
737 the city without first obtaining a written opinion from the city attorney  
738 regarding the city's liability therein.

739 **§ 9.-~~INTERFERENCE IN PERSONNEL MATTERS~~REPEALED.**

740 ~~[Neither the council nor any of its members shall instruct or request the city~~  
741 ~~manager or any of his or her subordinates to appoint to or remove from office or~~  
742 ~~employment any person except with respect to those offices which are to be filled~~  
743 ~~by appointment by the council under the provisions of this Charter. Except for the~~  
744 ~~purpose of inquiry and investigation, the council and its members shall deal with the~~  
745 ~~administrative service of the city solely through the city manager and shall not give~~  
746 ~~orders to any of the manager's subordinates either publicly or privately.]~~

747 **§ 10.-~~MAYOR AND MAYOR PRO TEM~~PRESIDENT OF THE COUNCIL.**

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

761 **§ 11.-CITY CLERK.**

762 The council shall appoint the city clerk who shall serve at the pleasure of the  
763 council. The city clerk shall keep the records of the council, and shall have such  
764 other duties and responsibilities as may be assigned by this Charter and by  
765 ordinancethe council].

766 **§ 12.-MEETINGS OF THE COUNCIL.**

767 The council shall meet in regular session at the City Hall at least once each week  
768 at such time as may be prescribed by ordinance, unless otherwise ordered by the  
769 council for reasons to be documented in the minutes. Special meetings of the council  
770 shall be called by the city clerk upon written request of the mayor, the president of

771 the council, or two members of the council. All meetings shall be open to the public  
772 except as may be authorized by the laws of the State of Texas.

773 **§ 14.-PROCEDURE TO ENACT LEGISLATION.**

774 The council shall legislate by ordinance only, and the enacting clause of every  
775 ordinance shall be, "BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY  
776 OF AUSTIN." Before any ordinance shall be adopted, the city attorney shall approve  
777 such ordinance in writing or shall file with the city clerk his or her written legal  
778 objections thereto. Every ordinance passed by the council shall, before it becomes  
779 effective, be signed by the city clerk or other person authorized by the council, and  
780 be presented to the mayor for approval and signature. If the mayor does not approve  
781 the ordinance, the mayor shall endorse on it the date of its presentation to him or her,  
782 and return it to the city clerk with a written state of objections to the ordinance. The  
783 city clerk shall endorse on the ordinance that date of its return to him or her. If the  
784 mayor does not approve or veto an ordinance in accordance with this section within  
785 ten days after its presentation to him or her, the ordinance shall be effective as if  
786 signed by the mayor. The city clerk shall present the ordinance, with the objections  
787 of the mayor, at the first council meeting after the clerk has received the Mayor's  
788 objections. The council may pass any ordinance over the veto of the mayor within  
789 45 days after the objections of the mayor are presented to the council, by two-thirds  
790 vote of the council or by three-fourths vote where two-thirds vote or more was  
791 required for passage of the original ordinance. Every ordinance adopted[enacted by  
792 the council shall be signed by the mayor, mayor pro tem, or by two council members,  
793 and] shall be filed with and recorded by the city clerk before the same shall become  
794 effective. Unless otherwise provided by law or this Charter, no ordinance shall  
795 become effective until the expiration of 10 days following the date of mayoral  
796 approval or override of mayoral veto[its final passage], except where an ordinance  
797 relating to the immediate preservation of the public peace, health or safety, is  
798 adopted as an emergency measure by the favorable votes of at least two-thirds of the  
799 council members and contains a statement of the nature of the emergency.

800 **ARTICLE III.-ELECTIONS.**

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

803 (A) The city's general election shall be held on the November uniform election  
804 date authorized by state law in even-numbered years. Notwithstanding any  
805 other provision of this Charter, the regular term of the mayor and council  
806 members is four years. Council terms shall be staggered so that a general

807 election is held every two years, and half, or as near to half as is practical,  
808 of the council is elected at each election.

809  
810 (B) A council member shall hold office for a term specified by this Charter or  
811 until a successor has been elected and qualified. If elected to fill an  
812 unexpired term, a council member shall hold office for the remainder of  
813 the unexpired term or until a successor has been elected and qualified.

814  
815 (C) The regular term of a council member begins on the date set by ordinance.  
816 A council member may qualify for office on that date or as soon thereafter  
817 as practicable. In the case of a special election to fill an unexpired term,  
818 the person elected may qualify and assume office as soon as practicable  
819 after the canvass of the election.

820  
821 (D) At every regular election and at every special election called to fill one or  
822 more ~~[vacant places on the council]~~offices, election to each ~~[place on the~~  
823 ~~council]~~office shall be by a majority of all the votes cast for such  
824 ~~[place]~~office at such election. In every such election each qualified voter  
825 shall vote for not more than one candidate for each ~~[council place]~~office to  
826 be filled. Where in an election to ~~[a place on the council]~~an office, no  
827 candidate receives a majority of all the votes cast for such ~~[place]~~office at  
828 such election, the council shall, immediately upon declaring the official  
829 results of the election, issue a call for a run-off election for every  
830 ~~[place]~~office to which no one was elected. Such run-off election shall be  
831 held in accordance with state law and the two (2) candidates who received  
832 in the preceding election the highest number of votes for each ~~[place]~~office  
833 to which no one was elected shall be voted on again, and the candidate who  
834 receives the majority of the votes cast for each such ~~[place]~~office in the  
835 run-off election shall be elected to such ~~[place]~~office.

836

837 **§ 3.-REGULATION OF ELECTIONS.**

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

843 **§ 4.-FILING OF CANDIDATES.**

844 Any qualified person who desires to become a candidate for election to mayor or  
845 a place on the council shall file with the city clerk, at least 45 days prior to the  
846 election day, an application for his or her name to appear on the ballot. Such  
847 application shall be accompanied by a filing fee of \$500.00. Such filing fee may be  
848 reduced by \$1.00 per signature for each registered voter who signs a petition  
849 requesting that the name of the candidate be placed on the ballot, if such petition is  
850 sufficient to satisfy statutory requirements. In case of a district position, the petition  
851 shall be signed by registered voters residing in the particular district. Such  
852 application shall clearly designate by number the place on the council to which the  
853 candidate seeks election and shall contain a sworn statement by the candidate that  
854 he or she is fully qualified under the laws of Texas and the provisions of this Charter  
855 to hold the office he or she seeks.

856 **§ 5. - BALLOTS.**

857 For every regular election and for every special election called to fill one or more  
858 vacant [~~places on the council~~]offices, the city clerk shall place upon the official  
859 ballot the name of every candidate who shall file an application which complies with  
860 the provisions of this Charter. The council places to be filled shall be placed on the  
861 ballot in numerical order. The name of each candidate shall be placed on the ballot  
862 under the designated [~~place~~]office for which he or she shall have filed, and in such  
863 manner that the names of the candidates for each [~~place~~]office shall be clearly  
864 separate and distinguishable from the names of the candidates for every other  
865 [~~council place~~]office. The order on the ballot of the names of the candidates for each  
866 respective [~~council place~~]office shall be determined by lot in a drawing to be held  
867 under the supervision of the city clerk, at which drawing each candidate or his or her  
868 named representative shall have a right to be present.

869 **ARTICLE IV.-INITIATIVE, REFERENDUM, AND RECALL.**

870 **§ 6.-POWER OF RECALL.**

871 In this section, "officeholder" means the mayor or a council member. The people  
872 of the city reserve the power to recall any [~~member of the council~~]officeholder and  
873 may exercise such power by filing with the city clerk a petition, signed by qualified  
874 voters of the territory from which the [~~council member~~]officeholder is elected, equal  
875 in number to at least 10 percent of the qualified voters of the territory from which  
876 the [~~council member~~]officeholder is elected, demanding the removal of [~~a council~~  
877 ~~member~~]the officeholder. The petition shall be signed and verified in the manner  
878 required for an initiative petition, shall contain a general statement of the grounds

879 for which the removal is sought, and one of the signers of each petition paper shall  
880 make an affidavit that the statements therein made are true.

881 **§ 7.-RECALL ELECTION.**

882 Within 20 days after a recall petition is filed, the city clerk shall examine the  
883 same. The provisions regulating examination, certification, and amendment of  
884 initiative petitions shall apply to recall petitions. If the petition is certified by the city  
885 clerk to be sufficient and the mayor or council member whose removal is sought  
886 does not resign within five days after the certification to the council, the council shall  
887 order and hold a recall election in the territory from which the mayor or council  
888 member is elected on the first authorized election date that allows sufficient time to  
889 comply with other requirements of law.

890 **§ 8.-RECALL BALLOT.**

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

- 892 (1) With respect to each person whose removal is sought, the question shall be  
893 submitted "Shall (name of mayor or council member) be removed from the  
894 office of (mayor or city council member)?"  
895
- 896 (2) Immediately below each such question there shall be printed the two  
897 following propositions, one above the other, in the order indicated:  
898

899 "For the recall of (name of mayor or council member)."

900 "Against the recall of (name of mayor or council member)."

901 **§ 9.-RESULTS OF RECALL ELECTION.**

902 If a majority of the votes cast at a recall election shall be against removal of the  
903 mayor or council member named on the ballot, he or she shall continue in office. If  
904 the majority of the votes cast at such election be for the removal of the mayor or  
905 council member named on the ballot, the council shall immediately declare his or  
906 her office vacant and such vacancy shall be filled in accordance with the provisions  
907 of this Charter for the filling of vacancies. A mayor or council member thus removed  
908 shall not be a candidate to succeed himself or herself in an election called to fill the  
909 vacancy thereby created.

910 **§ 10.-LIMITATION ON RECALL.**

911 No recall petition shall be filed against a mayor or council member within six  
912 months after he or she takes office, and no mayor or council member shall be subject  
913 to more than one recall election during a term of office.

914 **ARTICLE V.-~~[ADMINISTRATIVE ORGANIZATION]~~THE EXECUTIVE.**

915 **§ 1 -~~THE [CITY MANAGER]~~MAYOR.**

916 The [~~council shall appoint a city manager who~~]mayor shall be the chief  
917 administrative and executive officer of the city. He or she shall be recognized as  
918 head of the city government for all ceremonial purposes, for the purpose of receiving  
919 service of civil process, and for military purposes. [~~He or she shall be chosen by the~~  
920 ~~council solely on the basis of his or her executive and administrative training,~~  
921 ~~experience, and ability, and need not, when appointed, be a resident of the City of~~  
922 ~~Austin; however, during the tenure of his or her office, he or she shall reside within~~  
923 ~~the city.]~~

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

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

936 **§ 2.-POWERS AND DUTIES OF THE [CITY MANAGER]MAYOR.**

937 The [~~city manager~~]mayor shall be responsible [~~to the council~~]for the proper  
938 administration of all affairs of the city and to that end he or she shall have power and  
939 shall be required to:

940 (1) Appoint and remove any officer or employee of the city except those  
941 officers appointed by the council and except as otherwise provided by this  
942 Charter.

943  
944 (2) Prepare the budget annually, submit it to the council, and be responsible

945 for its administration after adoption.

946

947 (3) Prepare and submit to the council as of the end of the fiscal year a complete  
948 report on the finances and administrative activities of the city for the  
949 preceding year.

950

951 (4) Keep the council advised of the financial condition and future needs of the  
952 city and make such recommendations as may seem desirable.

953

954 ~~[(5)] [Appoint, by letter filed with the city clerk, a qualified administrative~~  
955 ~~officer of the city to perform his or her duties during his or her temporary~~  
956 ~~absence or disability.]~~

957 ~~[(6)]~~<sup>5</sup> Perform such other duties as may be prescribed by this Charter or required  
958 of him or her by the council, not inconsistent with the provisions of this  
959 Charter.

### 960 § 3.-ADMINISTRATIVE DEPARTMENTS.

961 There shall be such administrative departments as are established by this Charter  
962 and as may be established by ordinance, all of which shall be under the control and  
963 direction of the ~~[city manager]~~mayor. The council may abolish, by ordinance, any  
964 department or combine one or more departments created by it~~[-but no administrative~~  
965 ~~department shall be created, abolished or combined with another department until~~  
966 ~~the council has obtained and considered the recommendations of the city manager~~  
967 ~~with regard thereto].~~

### 968 § 4.-DIRECTORS OF DEPARTMENTS.

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

### 975 § 5.-DEPARTMENTAL ORGANIZATION.

976 The work of each department shall be distributed among such divisions as may  
977 be established by ordinance~~[-; provided, however, that no departmental division shall~~

978 ~~be made until the city manager shall have been heard and have made his or her~~  
979 ~~recommendations with respect thereto~~]. Pending passage of ordinances establishing  
980 departmental divisions, the [~~manager~~]mayor may establish temporary divisions in  
981 any department.

982 **§ 6.-CITY ATTORNEY.**

983 There shall be a department of law, the head of which shall be the city attorney,  
984 who shall be appointed by the [~~city manager~~]mayor, subject to confirmation by the  
985 council, and removed by the mayor or two-thirds vote of the council. The city  
986 attorney shall be a competent attorney who shall have practiced law in the State of  
987 Texas for at least five years immediately preceding his or her appointment. The city  
988 attorney shall be the legal advisor of, and attorney for, all of the officers and  
989 departments of the city, and he or she shall represent the city in all litigation and  
990 legal proceedings. He or she shall draft, approve, or file his or her written legal  
991 objections to every ordinance before it is acted upon by the council, and he or she  
992 shall pass upon all documents, contracts and legal instruments in which the city may  
993 have an interest.

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

996 **§ 7.-ELIGIBILITY OF THE MAYOR.**

997 A candidate for mayor must meet all eligibility requirements of state law and  
998 must have resided continuously in the state for 12 months and in the city for six  
999 months immediately preceding the regular filing deadline for a mayoral candidate's  
1000 application for a place on the ballot. If the mayor ceases to reside in the city, the  
1001 mayor automatically resigns.

1002 **§ 8.-TERM LIMITS.**

1003 (A) Except as provided in subsection (B), a person may not be elected to or  
1004 serve in the office of mayor for more than two consecutive terms, and a  
1005 person who has held the office of mayor for more than two years of a term  
1006 to which some other person was elected mayor may not be elected to the  
1007 office of mayor more than once in succession.

1009 (B) A person subject to a term limit with respect to an office may become a  
1010 candidate for the office and serve if elected if the person's application to  
1011 be a candidate for the office is accompanied by a petition requesting that

1012 the person be authorized to be a candidate and the petition is signed by at  
1013 least five per cent of the qualified voters of the territory from which the  
1014 office is elected.  
1015

1016 **§ 9.-VACANCY.**

1017 Where a vacancy in the office of mayor shall occur, the vacant place shall be  
1018 filled by a special election, and, where necessary, by a run-off election, in the same  
1019 manner as provided in this Charter for the regular election of the mayor. Such  
1020 special election shall be held on the next available state uniform election date  
1021 following the creation of the vacancy, and the run-off election shall be held  
1022 according to state law following the preceding election; provided, however, that  
1023 where a vacancy shall occur within 90 days of a regular election, no special election  
1024 to fill the vacancy shall be called.

1025 **ARTICLE VI.-MUNICIPAL COURT.**

1026 **§ 2.-JUDGE OF THE MUNICIPAL COURT.**

1027 The municipal court shall be presided over by a magistrate who shall be known  
1028 as the judge of the municipal court. He or she shall be appointed by the  
1029 [~~council~~] mayor, subject to confirmation by the council for a four-year term  
1030 beginning on January first of even numbered years. He or she shall be removed by  
1031 the mayor, subject to confirmation by the council, only for cause or disability as  
1032 defined in the Texas Constitution. He or she shall have been admitted to practice law  
1033 in the State of Texas for not less than two years and shall have resided in the city for  
1034 a period of not less than two years immediately preceding his or her appointment.

1035 In the event the judge of the municipal court is unable to act for any reason, the  
1036 [~~council~~] mayor shall appoint an attorney possessing the qualifications required  
1037 above to act in his or her place, subject to confirmation by the council. The judge, or  
1038 anyone acting in his or her place, shall receive such compensation as may be set by  
1039 the council by ordinance.

1040 The council shall have the power, by ordinance, to create and establish additional  
1041 municipal courts, and the mayor shall have the power to appoint, subject to  
1042 confirmation by the council, more than one judge of each municipal court, whether  
1043 one or more, each of whom shall be a magistrate and shall have the qualifications  
1044 and serve the term of office prescribed in the first paragraph of this section.

1045 If any judge of a municipal court announces candidacy, or in fact becomes a  
1046 candidate, in any general, special, or primary election, for any elective public office,  
1047 at a time when the unexpired term of the judge's office exceeds one year, the judge's  
1048 announcement or candidacy is an automatic resignation of the office of municipal  
1049 judge.

1050 **§ 3-CLERK OF THE MUNICIPAL COURT.**

1051 There shall be a clerk of the municipal court who shall be appointed by, and who  
1052 shall serve at the pleasure of, the [~~council~~] mayor, subject in both appointment and  
1053 removal to confirmation by the council. The clerk shall have the power to administer  
1054 oaths and affidavits, make certificates, affix the seal of the court thereto, and  
1055 otherwise perform any and all acts necessary in issuing process for such court and  
1056 conducting the business thereof.

1057 There shall be such deputy clerks of the municipal court as may be authorized by  
1058 the council by ordinance, who shall have authority to act for and on behalf of the  
1059 clerk of the municipal court, and who shall be appointed by the clerk of the municipal  
1060 court.

1061 **§ 4.-FINES AND FORFEITURES - POWER OF COUNCIL.**

1062 The [~~city council~~] mayor, subject to confirmation by the council, shall have the  
1063 power to remit fines, forfeitures and penalties for the violation of penal ordinances  
1064 of the city, and to grant reprieves and pardons for all offenses arising under the penal  
1065 ordinances of the city.

1066 **ARTICLE VII.-FINANCE.**

1067 **§ 1.-DEPARTMENT OF FINANCE.**

1068 There shall be a department of finance, the head of which shall be the director of  
1069 finance. The director of finance shall be appointed by the [~~city manager~~] mayor, shall  
1070 have knowledge of municipal accounting and shall have had experience in budgeting  
1071 and financial control. Said director shall provide a bond with such surety and in such  
1072 amount as the council may require, by ordinance. The premium on such bond shall  
1073 be paid by the city.

1074 **§ 2.-DIRECTOR OF FINANCE- POWERS AND DUTIES.**

1075 The director of finance shall administer all financial affairs of the city, other than  
1076 the assessment and collection of taxes. He or she shall have authority and be required  
1077 to:

- 1078 (1) Maintain a general accounting system for the city government and exercise  
1079 financial control over all offices, departments, and agencies thereof;  
1080
- 1081 (2) Certify as to the availability of funds for all proposed expenditures. Unless  
1082 the Director of Finance shall certify that there is an unencumbered balance  
1083 in the appropriation and funds available, no appropriation shall be  
1084 encumbered, and no expenditure shall be made;  
1085
- 1086 (3) Submit to the council, through the [~~city manager~~]mayor, a monthly  
1087 statement of all receipts and disbursements in sufficient detail to show the  
1088 exact financial condition of the city;  
1089
- 1090 (4) Prepare, as of the end of the fiscal year, a complete financial statement and  
1091 report.  
1092

1093 **§ 4.-INTERIM BUDGET.**

1094 The [~~city manager~~]mayor shall submit to the council an interim budget which  
1095 shall be prepared, as nearly as practicable, in accordance with the requirements for  
1096 the budget document herein prescribed, for the interim fiscal period hereinabove  
1097 established. Following the approval of such interim budget, the council shall enact  
1098 such appropriation and other ordinances as may be necessary for the effectuation of  
1099 such interim budget.

1100 **§ 5.-THE BUDGET DOCUMENT.**

1101 The budget for the city government shall present a complete financial plan for  
1102 the ensuing fiscal year, and shall consist of three parts as follows:

1103 Part I shall contain:

- 1104 (1) A budget message, prepared by the [~~city manager~~]mayor, which shall  
1105 outline his or her proposed fiscal plan for the city and describe significant  
1106 features of the budget for the forthcoming fiscal period;
- 1107 (2) A general budget summary which, with supporting schedules, will show  
1108 the relationship between total proposed expenditures and total anticipated

1109 revenues for the forthcoming fiscal period and which shall compare these  
1110 figures with corresponding figures for the last completed fiscal year and  
1111 the year in progress.

1112 Part II shall contain:

- 1113 (1) Detailed estimates of all proposed expenditures, showing the  
1114 corresponding expenditures for each item for the current fiscal year and  
1115 the last preceding fiscal year with explanations of increases or decreases  
1116 recommended;
- 1117 (2) Detailed estimates of anticipated revenues and other income;
- 1118 (3) Delinquent taxes for current and preceding years, with the estimated  
1119 percentage collectible; and
- 1120 (4) Statement of the indebtedness of the city, showing debt redemption and  
1121 interest requirements, debt authorized and unissued, and conditions of the  
1122 sinking funds.

1123

1124 Part III shall contain a proposed complete draft of the appropriation ordinance,  
1125 the tax levying ordinance, and any other ordinances required to effectuate the budget.

1126 **§ 7.-WORK PROGRAMS AND ALLOTMENTS.**

1127 At the beginning of each fiscal year the head of each department or agency of the  
1128 city government, upon the direction of the [~~city manager~~]mayor, shall submit to the  
1129 department of finance a work program for the year. Said work program shall include  
1130 all appropriations for operation, maintenance, and capital outlays and shall indicate  
1131 the requested allotments of such appropriations by months for the entire fiscal year.  
1132 The [~~city manager~~]mayor shall review the requested allotments, and, after such  
1133 alteration or revision as he may deem necessary, authorize such for expenditure.  
1134 Thereafter the department of finance shall authorize all expenditures for departments  
1135 and agencies to be made from the appropriations on the basis of the approved  
1136 allotments and not otherwise. The approved allotments may be revised during the  
1137 fiscal year by the [~~city manager~~]mayor, or upon application by the head of any  
1138 department or agency and approval by the [~~city manager~~]mayor, but in no event shall  
1139 the aggregate of departmental or agency allotments exceed the appropriation  
1140 available to such departments or agencies for the fiscal year. If, at any time during  
1141 the fiscal year, the [~~city manager~~]mayor shall ascertain that available revenues will  
1142 be less than total appropriations for the year, he or she shall reconsider the work

1143 program and allotments of the departments and agencies and revise them so as to  
1144 prevent the making of expenditures in excess of available revenues.

1145 **§ 8.-APPROPRIATIONS.**

1146 No funds of the city shall be expended nor shall any obligation for the expenditure  
1147 of money be incurred, except in pursuance of the annual or interim period  
1148 appropriation ordinance provided by this Charter. At the close of each fiscal year  
1149 any unencumbered balance of an appropriation shall revert to the fund from which  
1150 appropriated and may be reappropriated by the city council. The council may, by  
1151 ordinance, transfer any unencumbered appropriation balance or portion thereof from  
1152 one office, department, or agency to another. The [~~city manager~~] mayor shall have  
1153 authority, without council approval, to transfer appropriation balances from one  
1154 expenditure account to another within a single office, department, or agency of the  
1155 city.

1156 **§ 9.-DEPOSITORIES.**

1157 All monies received by any person, department, or agency of the city for or in  
1158 connection with affairs of the city shall be deposited promptly in city depositories,  
1159 which shall be designated by the council, by ordinance, in accordance with such  
1160 regulations and subject to such requirements as to security for deposits and interest  
1161 thereon as may be established by ordinance. All checks, vouchers, or warrants for  
1162 the withdrawal of money from the city depositories shall be signed by the director  
1163 of finance or his or her deputy and countersigned by the [~~city manager~~] mayor.

1164 **§ 11.-REVENUE BONDS.**

1165 The city shall have power to borrow money for the purpose of constructing,  
1166 purchasing, improving, extending or repairing of public utilities, recreational  
1167 facilities or facilities for any other self liquidating municipal function not now or  
1168 hereafter prohibited by any general law of the state, and to issue revenue bonds to  
1169 evidence the obligation created thereby. Such bonds shall be a charge upon and  
1170 payable solely from the properties, or interest therein, acquired and the income  
1171 therefrom, and shall never be a debt of the city. All revenue bonds issued by the city  
1172 shall first be authorized by a majority of the qualified electors voting at an election  
1173 held for such purpose. The council shall have authority to provide, by ordinance, for  
1174 the terms and form of any purchase agreement, contract, mortgage, bond or  
1175 document desired or necessary for the issuance of revenue bonds and the acquisition  
1176 and operation of any such property or interest.

1177 **§ 12.-REVENUE BONDS FOR CONSERVATION.**

1178 In order to conserve the energy-producing resources, water resources, and  
1179 wastewater treatment facilities of the city and, therefore, to save money of the city,  
1180 the city shall have power to borrow money for the purpose of providing conservation  
1181 facilities, including facilities to be owned or operated by persons other than the city,  
1182 and to issue revenue bonds, notes or other obligation in evidence of such borrowing.  
1183 Such bonds shall be a charge upon and payable solely from the public utilities  
1184 referred to in the first paragraph of Section 11 and the income therefrom, and shall  
1185 never be a debt of the city. All revenue bonds or obligations shall be issued in  
1186 accordance with applicable laws of the State of Texas. The council shall have the  
1187 authority to provide, by ordinance, for the terms and form of any purchase  
1188 agreement, contract, mortgage, bond or document desired or necessary for the  
1189 issuance of revenue bonds and the providing of any such resource conservation  
1190 facilities.

1191 **§ 14.-SINKING FUND.**

1192 It shall be the duty of the council to levy, by ordinance, an annual tax sufficient to  
1193 pay the interest on and provide the necessary sinking fund required by law on all  
1194 outstanding general obligation bonds of the city. The interest and sinking fund shall  
1195 be deposited in a separate account and shall not be diverted to or used for any other  
1196 purpose than to pay the interest and principal on such bonds. The sinking fund  
1197 maintained for the redemption of any debt may be invested in any interest bearing  
1198 bonds of the United States government, the State of Texas, the County of Travis, or  
1199 the City of Austin.

1200 **§ 15.-PURCHASE PROCEDURE**

1201 All purchases made and contracts executed by the city shall be pursuant to a  
1202 written requisition from the head of the office, department or agency whose  
1203 appropriation will be charged, and no contract or order shall be binding upon the city  
1204 unless and until the director of finance certifies that there is to the credit of such  
1205 office, department or agency a sufficient unencumbered appropriation balance to pay  
1206 for the supplies, materials, equipment or contractual services for which the contract  
1207 or order is to be issued. Before the city makes any purchase or contract for supplies,  
1208 materials, equipment or contractual services, opportunity shall be given for  
1209 competition unless exempted by state statute. The [~~city manager~~] mayor shall have  
1210 the authority to contract for expenditures without further approval of the council for  
1211 an expenditure that does not exceed forty-three thousand dollars annually. A contract  
1212 or an amendment to a contract, involving an expenditure of more than forty-three  
1213 thousand dollars annually must be expressly approved by the council. All contracts  
1214 or purchases involving more than \$5,000.00 shall be let to the bid deemed most

1215 advantageous to the city after there has been an opportunity for competitive bidding;  
1216 provided, however, that the council shall have the right to reject any and all bids.  
1217 Contracts for personal or professional services shall not be let on competitive bids  
1218 and each such contract, or amendment to a contract, involving more than forty-three  
1219 thousand dollars annually shall be approved by the council. The [~~city~~  
1220 ~~manager~~]mayor may not contract for personal or professional services under the  
1221 [~~manager's~~]mayor's authority if the [~~manager~~]mayor knows or reasonably should  
1222 know that the contractor's full scope of work will exceed the limit of the  
1223 [~~manager's~~]mayor's authority. The amount of the forty-three thousand dollar annual  
1224 limitation shall be modified each year with the adoption of the budget to increase or  
1225 decrease in accordance with the most recently published federal government, Bureau  
1226 of Labor Statistics Indicator, Consumer Price Index (CPI-W U.S. City Average) U.S.  
1227 City Average. The most recently published Consumer Price Index on May 4, 2002,  
1228 shall be used as a base of 100 and the adjustment thereafter will be to the nearest  
1229 \$1,000.00.

1230 **ARTICLE IX.-PERSONNEL.**

1231 **§ 1.-CLASSIFIED CIVIL SERVICE.**

1232 (A) To the extent of any conflict with other provisions of this Charter, this  
1233 article controls. If another ballot proposition amending the previous  
1234 Section 1 of this article is approved by the voters at the same election at  
1235 which this section is adopted, this section supersedes and replaces the other  
1236 amendment to Section 1, but does not supersede or replace other  
1237 amendments to this article that were part of the other proposition.  
1238

1239 (B) There is hereby established a classified civil service in which all  
1240 employment and promotions shall be made on the basis of merit and  
1241 fitness. The civil service shall include all appointive offices and  
1242 employments in the administrative service and in other agencies and  
1243 offices of the city, except the following:  
1244

- 1245 (1) members of the city council and their direct staff;
- 1246 (2) persons who are appointed, confirmed, or elected by the city council  
1247 pursuant to this Charter;
- 1248 (3) the [~~city manager~~]mayor and [~~assistant city managers~~]the mayor's  
1249 direct reports;
- 1250 (4) department directors and assistant department directors;

- 1251 (5) the city attorney and all assistant city attorneys;  
1252 (6) temporary and seasonal employees; and  
1253 (7) employees covered by a state civil service statute.  
1254

1255 **§ 2.-MUNICIPAL CIVIL SERVICE COMMISSION.**

- 1256 (A) There shall be a municipal civil service commission consisting of five  
1257 commissioners, one of whom shall serve as chair.  
1258
- 1259 (B) The city council shall appoint the commissioners, and shall designate one  
1260 of the five as chair. Commissioners shall be appointed for a term of three  
1261 years, except that of the first five commissioners appointed after adoption  
1262 of this section, one shall be appointed for a one year term and two each  
1263 shall be appointed for two and three-year terms so that thereafter  
1264 commissioners will serve staggered terms. Any vacancy occurring after  
1265 appointment shall be filled by the city council for the remainder of the  
1266 unexpired term.  
1267
- 1268 (C) Each commissioner must be a qualified voter of the city who does not,  
1269 during the commissioner's term, hold or become a candidate for any other  
1270 public office of the city or of the State of Texas.  
1271
- 1272 (D) Commissioners may be paid compensation for their services as determined  
1273 in advance by the city council, by ordinance.  
1274
- 1275 (E) A commissioner may be removed before the end of the commissioner's  
1276 term only for cause, and after receiving a written statement of the reasons  
1277 for removal and a public hearing before the city council if the  
1278 commissioner requests a hearing.  
1279
- 1280 (F) Three members of the commission constitute a quorum. The commission  
1281 must act by majority vote. The chair has the same voting rights as the other  
1282 commissioners.  
1283
- 1284 (G) The commission shall:  
1285
- 1286 (1) hear appeals and make final, binding decisions in the case of any

- 1287 municipal civil service employee or appointee who is discharged,  
1288 suspended, demoted, denied a promotion, or put on disciplinary  
1289 probation;  
1290
- 1291 (2) recommend the adoption of civil service rules and perform services  
1292 under the civil service rules as provided in this section;  
1293
- 1294 (3) conduct any investigations it may consider desirable or which it may  
1295 be required to make by the city council or the ~~[city manager]~~mayor  
1296 concerning the administration of municipal civil service, and report  
1297 its findings and recommendations to the city council;  
1298
- 1299 (4) perform other duties regarding the municipal civil service, not  
1300 inconsistent with this article, that the city council may require, by  
1301 ordinance;  
1302
- 1303 (5) issue subpoenas and subpoenas duces tecum to witnesses, whether  
1304 at the request of interested parties or on its own motion, when  
1305 reasonably necessary to obtain pertinent evidence at a hearing or  
1306 investigation; and  
1307
- 1308 (6) administer oaths to witnesses appearing at a hearing or investigation.  
1309

1310 **§ 3.-HUMAN RESOURCES DIRECTOR.**

- 1311 (A) There shall be a human resources department, the head of which shall be  
1312 the human resources director. The human resources director shall be  
1313 appointed and may be removed by the ~~[city manager]~~mayor, and must have  
1314 had training and experience in personnel administration.  
1315
- 1316 (B) The human resources director shall:  
1317
- 1318 (1) perform the duties prescribed by this article, by ordinance, by the  
1319 commission, or by the ~~[city manager]~~mayor, according to their  
1320 respective authorities under this Charter;  
1321
- 1322 (2) prepare and recommend to the ~~[city manager]~~mayor a classification  
1323 plan, and amendments thereto, for a classified municipal civil

1324 service;

1325

1326 (3) certify all payrolls for persons in the classified service at the time of  
1327 initial employment, upon change of status, or upon removal from  
1328 the payroll; and

1329

1330 (4) perform such other duties and functions as may be prescribed by the  
1331 council, by ordinance, or the [~~city manager~~] mayor.

1332

1333 **§ 4.-CIVIL SERVICE RULES.**

1334 (A) The administration of the classified municipal civil service, including the  
1335 employment or appointment of all persons in the municipal civil service,  
1336 shall be governed, as far as practicable, by rules and regulations known as  
1337 the municipal civil service rules.

1338

1339 (B) Within 12 months following the adoption of this section, the human  
1340 resources director shall prepare civil service rules that meet the  
1341 requirements specified in this section and recommend them to the civil  
1342 service commission. After notice and public hearing, the commission shall  
1343 make any modifications it deems necessary, and recommend that the city  
1344 council adopt the rules. The civil service rules become effective when  
1345 adopted by the city council by ordinance.

1346

1347 (C) After the civil service rules are adopted, they may be amended at any time  
1348 by using the same process used for the initial adoption of the rules.

1349

1350 (D) At a minimum, the civil service rules must contain provisions governing:

1351

1352 (1) initial appointments, promotions, and lateral transfers, all of which  
1353 shall be based on merit and fitness;

1354

1355 (2) disciplinary probation or suspension, involuntary demotion, denial  
1356 of promotion, and discharge, all of which, in the case of non-  
1357 probationary employees, must be for cause;

1358

1359 (3) the establishment of probationary periods not to exceed six months  
1360 for all initial appointments, during which time the appointee may be

- 1361 removed from the position without cause;  
1362  
1363 (4) the establishment of probationary periods not to exceed three  
1364 months for all promotional appointments, during which time the  
1365 appointee may be removed from the position promoted to, and  
1366 returned to his/her prior position, without cause;  
1367  
1368 (5) procedures for reductions in force that give consideration to the  
1369 affected employees' length of service and past work performance;  
1370 and  
1371  
1372 (6) other provisions, not inconsistent with this subsection, that may be  
1373 required by the city council, by ordinance.  
1374  
1375 (E) The personnel policies in effect and applicable to the classified service on  
1376 the effective date of this ordinance shall remain in effect until superseded  
1377 by civil service rules adopted under this section.  
1378

1379 **§ 5.-EMPLOYEES' RETIREMENT SYSTEM.**

1380 There shall be a retirement system for the employees of the city which shall be  
1381 known as the employees' retirement system of the City of Austin. After the first six  
1382 months of employment, all municipal employees except the mayor, members of the  
1383 council, members of boards and commissions, employees of the fire department, and  
1384 part-time or temporary employees, shall become members of such system. Such  
1385 system shall be governed by a board of directors composed of such members and  
1386 selected in such a manner as may be provided by ordinance of the council, provided  
1387 that classified employees shall have representation on the board. Such system shall  
1388 be financed by a retirement fund created by contributions of the members and of the  
1389 city, and the contributions by the city shall always be equal to or greater than the  
1390 contributions of the members. The benefits payable to any member upon retirement  
1391 shall be based upon the amount of contributions made on behalf of such member,  
1392 and shall be determined on an actuarial basis. Upon separation of any member from  
1393 the service of the city before retirement, such member shall be entitled to receive  
1394 only the amount of his or her contributions to the fund and interest thereon.

1395

1396 Establishment of the employees' retirement system shall not preclude the council  
1397 from, by ordinance, merging such system with, or adopting, any voluntary statewide  
1398 or national retirement system where the general benefits of such merger or change  
1399 are at least equal to those under the employees' retirement system. The council shall  
1400 likewise not be precluded from consolidating, by ordinance, any retirement system  
1401 maintained by employees of the fire department with the employees' retirement  
1402 system of the City of Austin under terms agreeable to both systems.

1403 **§ 6.-COUNCIL APPOINTEES.**

1404 (A) Notwithstanding any other provision of this Charter:  
1405

1406 (1) each member of the city council may hire assistants and other office  
1407 staff as may be necessary to carry out the duties and responsibilities  
1408 of the city council, and as may be authorized by ordinance;  
1409

1410 (2) each of the salaried city employees that this Charter provides be  
1411 appointed by the city council shall hire and manage the appointee's  
1412 own staff as may be authorized by ordinance;  
1413

1414 (3) the city council may by ordinance provide for the adoption of the  
1415 personnel policies for the employees subject to this section.  
1416

1417 (B) If an officer or employee who is appointed by the mayor or city council  
1418 under this charter, other than a judge of a municipal court, announces  
1419 candidacy, or in fact becomes a candidate, in any general, special, or  
1420 primary election, for any elective public office, the officer's or employee's  
1421 announcement or candidacy is an automatic resignation of the office or  
1422 employment.  
1423

1424 **ARTICLE X.-PLANNING.**

1425 **§ 2.-THE PLANNING COMMISSION - ORGANIZATION.**

1426 There shall be established a planning commission which shall consist of citizens  
1427 of the City of Austin who must be registered voters in the city and must have resided  
1428 within the city for one year next preceding their appointment. The planning  
1429 commission shall have a number of members equal to the number of members on  
1430 the council plus two additional members, a minimum of two-thirds of the members

1431 who shall be lay members not directly or indirectly connected with real estate and  
1432 land development. The [~~city manager, the~~]chairperson of the zoning board of  
1433 adjustment, the director of public works and the president of the board of trustees of  
1434 the Austin Independent School District shall serve as ex officio members. [~~The~~]A  
1435 number of members of said commission equal to the number of members of the  
1436 council shall be appointed by the council for a term of up to two years. The other  
1437 two members of said commission shall be appointed by the mayor for a term of up  
1438 to two years. The timing of appointments, as well as a process for removing  
1439 commissioners prior to expiration of a term, shall be established by ordinance. The  
1440 commission shall elect a chairperson from among its membership and shall meet not  
1441 less than once each month. Vacancies in an unexpired term shall be filled by the  
1442 [~~council~~]appointing entity for the remainder of the term.

1443 **§ 3.-DIRECTORS FOR PLANNING, GROWTH MANAGEMENT AND**  
1444 **LAND DEVELOPMENT SERVICES.**

1445 The city council shall create by ordinance the department or departments  
1446 necessary to provide technical and administrative support in the areas of planning,  
1447 growth management and land development, and the director(s) of said department(s)  
1448 shall be appointed by the [~~city manager~~]mayor.

1449 **§ 4.-THE PLANNING COMMISSION - POWERS AND DUTIES.**

1450 The planning commission shall:

- 1451 (1) Review and make recommendations to the council regarding the adoption  
1452 and implementation of a comprehensive plan (as defined by section 5 of  
1453 this article) or element or portion thereof prepared under authorization of  
1454 the city council and under the direction of the [~~city manager~~]mayor and  
1455 responsible city planning staff;  
1456
- 1457 (2) After a comprehensive plan or element or portion thereof has been adopted  
1458 in conformity with this article:  
1459
- 1460 (a) Review and make recommendation to the council on all  
1461 amendments to the comprehensive plan or element or portion  
1462 thereof;  
1463
- 1464 (b) Review and make recommendations to the council on all proposals  
1465 to adopt or amend land development regulations for the purpose of  
1466 establishing the relationship of such proposal to, and its consistency

1467 with, the adopted comprehensive plan or element or portion thereof.  
1468 For purposes of this article and subsection, "land development  
1469 regulations" includes zoning, subdivision, building and  
1470 construction, environmental, and other police power regulations  
1471 controlling, regulating, or affecting the use or development of land;  
1472

1473 (3) Pursuant to ordinances adopted by the council, exercise control over  
1474 platting and subdividing land within the corporate limits and the  
1475 extraterritorial jurisdiction of the city to insure the consistency of any such  
1476 plats or subdivision with the adopted comprehensive plan or element or  
1477 portion thereof;  
1478

1479 (4) Submit annually to the [~~city manager~~] mayor, not less than 90 days prior to  
1480 the beginning of the budget year, a list of recommended capital  
1481 improvements, which in the opinion of the commission are necessary or  
1482 desirable to implement the adopted comprehensive plan or element or  
1483 portion thereof during the forthcoming five-year period;  
1484

1485 (5) Monitor and oversee the effectiveness and status of the comprehensive  
1486 plan and recommend annually to the council any changes in or  
1487 amendments to the comprehensive plan as may be desired or required;  
1488

1489 (6) Prepare periodic evaluation and appraisal reports on the comprehensive  
1490 plan, which shall be sent to the council at least once every five years after  
1491 the adoption of the comprehensive plan or element or portion thereof;  
1492

1493 (7) Require information from the [~~city manager~~] mayor relative to its work;  
1494

1495 The commission shall be responsible to and act as an advisory body to the council  
1496 and shall perform such additional duties and exercise such additional powers as may  
1497 be prescribed by ordinance of the council not inconsistent with the provisions of this  
1498 Charter.

1499 **§ 5.-THE COMPREHENSIVE PLAN.**

1500 The council shall adopt by ordinance a comprehensive plan, which shall  
1501 constitute the master and general plan. The comprehensive plan shall contain the  
1502 [~~council's~~] city's policies for growth, development, and beautification of the land  
1503 within the corporate limits and the extraterritorial jurisdiction of the city, or for

1504 geographic portions thereof including neighborhood, community or areawide plans.  
1505 The comprehensive plan shall include the following elements: (1) a future land use  
1506 element; (2) a traffic circulation and mass transit element; (3) a wastewater, solid  
1507 waste, drainage and potable water element; (4) a conservation and environmental  
1508 resources element; (5) a recreation and open space element; (6) a housing element;  
1509 (7) a public services and facilities element, which shall include but not be limited to  
1510 a capital improvement program; (8) a public buildings and related facilities element;  
1511 (9) an economic element for commercial and industrial development and  
1512 redevelopment; and (10) health and human service element.

1513 The council may also adopt by ordinance other elements as are necessary or  
1514 desirable to establish and implement policies for growth, development and  
1515 beautification within the city, its extraterritorial jurisdiction, or for geographic  
1516 portions thereof, including neighborhood, community, or areawide plans. The  
1517 council shall provide for financing of all elements contained in the comprehensive  
1518 plan in accordance with law.

1519 The several elements of the comprehensive plan shall be coordinated and be  
1520 internally consistent. Each element shall include policy recommendations for its  
1521 implementation and shall be implemented, in part, by the adoption and enforcement  
1522 of appropriate land development regulations.

1523 The planning commission shall forward the proposed comprehensive plan or  
1524 element or portion thereof to the ~~[city manager]~~mayor, who shall thereupon submit  
1525 such plan, or element or portion thereof, to the council with recommendations  
1526 thereon.

1527 The council may adopt, or adopt with changes or amendments, the proposed  
1528 comprehensive plan or element or portion thereof, after at least one public hearing.  
1529 The council shall act on such plan, element or portion thereof, within 60 days  
1530 following its submission by the ~~[city manager]~~mayor. If such plan or element or  
1531 portion thereof is not adopted by the council, it shall, with policy direction, return  
1532 such plan or element thereof the planning commission, which may modify such plan  
1533 or element or portion thereof, and again forward it to the ~~[city manager]~~mayor for  
1534 submission in like manner to the council. Furthermore, all amendments to the  
1535 comprehensive plan or element or portion thereof recommended by the planning  
1536 commission shall be forwarded to the ~~[city manager]~~mayor and shall be subject to  
1537 review and adoption in the same manner as for the original adoption of the  
1538 comprehensive plan as set forth above.

1539 **ARTICLE XI.-FRANCHISES AND PUBLIC UTILITIES.**

1540 **§ 3.-ORDINANCE GRANTING FRANCHISE.**

1541 Every ordinance granting, renewing, extending, or amending a franchise shall be  
1542 read at three regular meetings of the council, and shall not be finally acted upon until  
1543 30 days after the first reading thereof. Within five days following each of the three  
1544 readings of the ordinance, the full text thereof shall be published one time in some  
1545 newspaper of general circulation in the city, and the expense of such publication  
1546 shall be borne by the prospective franchise holder. No such ordinance shall become  
1547 effective until the expiration of 60 days following the date of ~~[its final adoption by~~  
1548 ~~the council]~~mayoral approval or override of mayoral veto, and every such ordinance  
1549 shall be subject to the referendum procedure provided by state law.

1550 **§ 5.-REGULATION OF FRANCHISE.**

1551 Every grant, renewal, extension, or amendment of a franchise granted under this  
1552 article, whether so provided in the ordinance or not, shall be subject to the right of  
1553 the council, by ordinance:

- 1554 (1) To forfeit any such franchise by ordinance at any time for failure of the  
1555 holder thereof to comply with the terms of the franchise, such power to be  
1556 exercised only after notice and hearing.  
1557
- 1558 (2) To impose reasonable regulations to insure safe, efficient and continuous  
1559 service to the public.  
1560
- 1561 (3) To require such expansion and extension of plants and facilities as are  
1562 necessary to provide adequate service to the public.  
1563
- 1564 (4) To require every franchise holder to furnish to the city, without cost to the  
1565 city, full information regarding the location, character, extent and  
1566 condition of all facilities of such franchise holder in, over and under the  
1567 streets, alleys, and other public property of the city; and to regulate and  
1568 control the location, relocation, and removal of such facilities.  
1569
- 1570 (5) To collect from every franchise holder operating in the city its fair and just  
1571 proportion of the expense of excavating, grading, paving, repaving,  
1572 constructing, reconstructing, draining, repairing, maintaining, lighting,  
1573 sweeping, and sprinkling such portions of the alleys, bridges, culverts,  
1574 viaducts, and other public places and ways of the city as may be occupied  
1575 or used in whole or in part by such utilities; or to compel such franchise

1576 holder to perform, at its own expense, its just share of such excavating,  
1577 grading, paving, repaving, constructing, reconstructing, draining,  
1578 repairing, maintaining, lighting, sweeping and sprinkling.

1579  
1580 (6) To require every franchise holder to allow other franchise holder to use its  
1581 tracks, poles, wires, pipes or other facilities, including bridges and  
1582 viaducts, wherever in the judgment of the council such use shall be in the  
1583 public interest, provided that in such event the council shall fix a  
1584 reasonable rental to be paid to the owner of the facility for such use, after  
1585 notice to the interested parties and a hearing of the facts.

1586  
1587 (7) (a) To prescribe the form of accounts kept by every franchise holder.

1588 (b) To examine and audit at any time the accounts and other records of  
1589 any franchise holder.

1590 (c) To require annual and other reports, including reports on the local  
1591 operations of the utility, which shall be in such form and contain  
1592 such information as the council shall prescribe.

1593  
1594 (8) To require and collect any compensation and rental not now or hereafter  
1595 prohibited by the laws of this state.

1596  
1597 (9) To require such franchise holders who request an increase in rates, charges  
1598 or fares, to reimburse the city for reasonable expenses incurred in  
1599 employing rate consultants to conduct investigations, present evidence and  
1600 advise the council on such requested increase.

1601

1602 **ARTICLE XII.-GENERAL PROVISIONS.**

1603 **§ 3.-NOTICE OF CLAIMS**

1604 Before the City of Austin shall be liable for damages for the death or personal  
1605 injuries of any person or for damage to or destruction of property of any kind, which  
1606 does not constitute a taking or damaging of property under Article I, Section 17,  
1607 Constitution of Texas, the person injured, if living, or his or her representatives, if  
1608 dead, or the owner of the property damaged or destroyed, shall give the city council  
1609 or [~~city manager~~] mayor notice in writing of such death, injury, damage or  
1610 destruction, duly verified by affidavit, within 45 days after same has been sustained,  
1611 stating specifically in such written notice when, where, and how the death, injury,

1612 damage or destruction, occurred, and the apparent extent of any such injury, the  
1613 amount of damages sustained, the actual residence of the claimant by street and  
1614 number at the date the claim is presented, the actual residence of such claimant for  
1615 six months immediately preceding the occurrence of such death, injury, damage or  
1616 destruction, and the names and addresses of all witnesses upon whom it is relied to  
1617 establish the claim for damages; and the failure to so notify the council or [~~city~~  
1618 ~~manager~~]mayor within the time and manner specified herein shall exonerate, excuse  
1619 and exempt the city from any liability whatsoever. No act of any officer or employee  
1620 of the city shall waive compliance, or estop the city from requiring compliance, with  
1621 the provisions of this section as to notice, but such provisions may be waived by  
1622 resolution of the council, made and passed before the expiration of the 45-day period  
1623 herein provided, and evidenced by minutes of the council.

1624 **PART 5.** If Proposition **D** is approved by the majority of voters voting at the  
1625 election, the City Charter is amended to read as follows:

1626 **ARTICLE III.-ELECTIONS.**

1627 **§ 10.-DEMOCRACY DOLLARS PROGRAM.**

1628 (A) Purpose. The Democracy Dollars Program (“Program”) is vital to ensure  
1629 all the people of Austin have equal opportunity to participate in political  
1630 campaigns and be heard by candidates, to strengthen democracy, to fulfill  
1631 the purposes of single-member districts, to enhance candidate competition,  
1632 and prevent corruption.  
1633

1634 (B) Definitions. For the purposes of this section, the following terms have the  
1635 following meanings:  
1636

1637 (1) City-elected position. The term “city-elected position” means the  
1638 position of mayor or city council member.  
1639

1640 (2) Election cycle. The term “election cycle” means the period between  
1641 (a) the 365th day before the date of the general election and (b) the  
1642 later of the date of the general election and the date of any run-off  
1643 election for a city-elected position required by the results of the  
1644 general election.  
1645

1646 (3) Holder. The term “holder” means the individual who may assign a  
1647 Democracy Dollars Voucher.

1648  
1649 (4) Qualifying contributions. The term “qualifying contribution” means  
1650 a contribution of at least \$10 from an adult Austin resident (18 years  
1651 of age or older) who is a natural person and is eligible under federal  
1652 law to make political contributions.

1653  
1654 (5) Voucher aggregate limit. The term “voucher aggregate limit” means  
1655 the cumulative dollar value of Democracy Dollars Vouchers that  
1656 may be redeemed by a candidate for a general or run-off election.

1657  
1658 (C) Issuance of Democracy Dollars.

1659  
1660 (1) Amount and Delivery. No later than the first business day of June  
1661 2022 and the first business day of March of each subsequent  
1662 municipal election year, the city clerk shall mail to each person who  
1663 was on or about that January 1 duly and actively registered to vote  
1664 in Austin, at his or her address in the voter registration records, one  
1665 \$25 Democracy Dollars Voucher for each city-elected position that  
1666 the person may vote for in Austin in the general election that year,  
1667 for a maximum of two \$25 Democracy Dollars Vouchers. However,  
1668 the city clerk may deliver Democracy Dollars Vouchers online or in  
1669 another manner if the city clerk so elects. Thereafter, the city clerk  
1670 shall regularly issue one \$25 Democracy Dollars Voucher for each  
1671 city-elected position that the person may vote for in Austin in the  
1672 general election that year, to any person becoming a duly registered  
1673 Austin voter after that January 1st up until at least October 1 of the  
1674 election year, with regular issuance after October 1 allowable in the  
1675 city clerk’s discretion. Any person who is actively registered to vote  
1676 in Austin may obtain an equivalent number of Democracy Dollars  
1677 Vouchers by application to the city clerk, provided that no person  
1678 shall be entitled to or receive more than one \$25 Democracy Dollars  
1679 Voucher for each city-elected position that the person may vote for  
1680 in Austin in the general election that year. Any such eligible adult  
1681 may request Democracy Dollars Vouchers be mailed or emailed to  
1682 an address other than that indicated in the voter registration records,  
1683 or be delivered at the city clerk’s office, as soon as the city clerk  
1684 shall have developed a secure system for such distributions of  
1685 Democracy Dollars, including distribution online, in person, or to

1686 an address not listed in the voter registration records. No person  
1687 residing outside of Austin, no corporation or other non-human  
1688 entity. and no person under the age of 18 years, may receive a  
1689 Democracy Dollars Voucher.  
1690

1691 (2) Form of Democracy Dollars Voucher. Each \$25 Democracy Dollars  
1692 Voucher shall be issued with:  
1693

- 1694 (i) the holder's full name;
- 1695 (ii) a unique voucher identification number;
- 1696 (iii) the election for which the voucher is issued;
- 1697 (iv) the city-elected position for which the voucher is issued;
- 1698 (v) the amount of voucher funds that the voucher represents;
- 1699 (vi) a place to write the date on which the holder assigns the  
1700 voucher;
- 1701 (vii) a place to write the name of the candidate to whom the  
1702 holder assigns the voucher;
- 1703 (viii) a statement that informs the holder of all of the following:  
1704 the holder may not revoke an assignment of the voucher, the  
1705 holder may not transfer the voucher, the voucher has no  
1706 monetary value, and the holder may assign the voucher only  
1707 as provided in this section;
- 1708 (ix) a statement that affirms that the holder assigns the voucher  
1709 voluntarily, free from duress, and not in exchange for  
1710 consideration;
- 1711 (x) a signature line; and
- 1712 (xi) additional information as the city clerk determines is  
1713 necessary to administer a voucher.  
1714

1715 (3) Assignment of Democracy Dollars. Democracy Dollars Vouchers  
1716 are only transferable or assignable as stated herein. A Democracy  
1717 Dollars Voucher may only be assigned to a candidate for the city-  
1718 elected position for which it was issued. Any person properly  
1719 obtaining and holding a Democracy Dollars Voucher may assign it  
1720 by writing in the name of the assignee candidate, signing the  
1721 holder's name on and dating the Democracy Dollars Voucher where  
1722 indicated thereon, and delivering the signed and dated Democracy  
1723 Dollars Voucher to the candidate, to the city clerk, or to any  
1724 candidate's representative who shall be registered for this purpose

1725 with the city clerk. Delivery may be by mail, in person (by any  
1726 person the holder requests to deliver the voucher), or electronically  
1727 via a secure online system. The city clerk shall establish a secure  
1728 online system for delivery of Democracy Dollars Vouchers (without  
1729 prejudice to any eligible person's option to receive Democracy  
1730 Dollars Vouchers in the mail) no later than January 1, 2024, unless  
1731 the city clerk determines this target date is not practicable; and in  
1732 any event no later than January 1, 2026.  
1733

1734 (4) Limitations on Assignment. A person may only assign a Democracy  
1735 Dollars Voucher to a candidate who has chosen to participate in the  
1736 Program and who has filed a signed statement of participation and  
1737 pledge with the city clerk as described below. No Democracy  
1738 Dollars Voucher may be assigned after the day of the run-off  
1739 election, or to any candidate filing for participation who then fails  
1740 to qualify, loses, or becomes unqualified for the position sought or  
1741 for the Program. A candidate or registered candidate representative  
1742 may seek assignment in person or through representatives or by  
1743 assisting a voter to access the city clerk secure online system. A  
1744 valid assignment is irrevocable. A person may assign \$25  
1745 Democracy Dollars Vouchers only to candidates for city council in  
1746 a council district they reside in and to candidates for mayor, if the  
1747 council or mayoral election is on the ballot, in a given election cycle.  
1748 The city council shall adopt legislation prohibiting the assignment  
1749 or transfer of Democracy Dollar Vouchers for cash or any  
1750 consideration, as well as the offer to purchase, buy or sell a  
1751 Democracy Dollars Voucher. No person may give or gift a  
1752 Democracy Dollars Voucher to another person, except by assigning  
1753 it to a candidate as provided herein. Democracy Dollars Vouchers  
1754 have no cash value and are not assets, income or property of the  
1755 holder. A Democracy Dollars Voucher may not be assigned by  
1756 proxy, power of attorney or by an agent.  
1757

1758 (5) Assignor Assumes Certain Risks. A Democracy Dollars Voucher  
1759 expires if the holder is no longer eligible to vote under state law, no  
1760 longer a resident of Austin, or, in the case of Democracy Dollars  
1761 Vouchers issued for a city council election, no longer a resident of a  
1762 city council district whose council member will be elected in the

1763 pending city election, if such circumstances take place prior to the  
1764 receipt of the Democracy Dollars Voucher by the city clerk. The  
1765 holder of a Democracy Dollars Voucher assumes the risk that the  
1766 holder may wish to change the assignment, or that the Democracy  
1767 Dollars Voucher may not be redeemed due to any contingency,  
1768 including but not limited to unavailability of Program funds; the  
1769 assignee candidate reaching the voucher aggregate limit; a  
1770 candidate's death, disqualification, dropping out, or failure to  
1771 redeem or use the Democracy Dollars Voucher; and a candidate not  
1772 qualifying or violating the terms of qualification.  
1773

1774 (6) Repeal. City Code Sections 2-2-11 through 2-2-17 (*Voluntary*  
1775 *Limitations on Contributions and Expenditures*) and City Code  
1776 Sections 2-2-61 through 2-2-65 (Austin Fair Campaign Finance  
1777 Fund) are repealed.  
1778

1779 (D) Candidates Qualify by Showing Grassroots Support and Other  
1780 Requirements  
1781

1782 (1) Only Qualified Candidates May Redeem Democracy Dollars  
1783 Vouchers. Only a candidate who has filed with the city clerk for  
1784 participation in the Program may receive assignment of a  
1785 Democracy Dollars Voucher. Only a candidate certified as qualified  
1786 by the city clerk may redeem a Democracy Dollars Voucher. Only  
1787 a person eligible for and seeking the office of mayor or city council  
1788 shall be eligible to file for Program participation.  
1789

1790 (2) Candidate Requirements for Program. To seek qualification, the  
1791 candidate shall file with the city clerk, on or after the 365th day  
1792 before the date of the general election and within four weeks after  
1793 appointing a campaign treasurer, a sworn statement attesting to his  
1794 or her intent to participate, asserting that the candidate shall comply  
1795 with Program requirements and applicable campaign laws. Such  
1796 Program requirements are that the candidate:  
1797

1798 (i) shall comply with campaign laws and contribution limits;  
1799

1800 (ii) shall not knowingly themselves, or through their agents,

1801 solicit money for or on behalf of any political action  
1802 committee, political party, or any organization that will make  
1803 an independent expenditure for or against any candidate for a  
1804 city-elected position within the same election cycle (for the  
1805 purposes of this section, appearing as a featured speaker at a  
1806 fundraising event for a committee or entity shall constitute  
1807 soliciting money for such committee or entity);  
1808

1809 (iii) shall take part in at least three public debates for general and  
1810 run-off elections each (as defined by the city clerk, which may  
1811 waive or reduce at its discretion the number of debates, if a  
1812 qualifying candidate makes all reasonable efforts to  
1813 participate in debates and similar public events); and  
1814

1815 (iv) shall not solicit or accept total contributions from any  
1816 individual or entity in excess of the contribution limits per  
1817 election specified the Austin City Charter and Code  
1818 (including any contribution used to qualify for Democracy  
1819 Dollars Vouchers and the value of Democracy Dollars  
1820 Vouchers assigned to such candidate).  
1821

1822 (3) Signatures and Qualifying Contributions. To qualify for the  
1823 Program, candidates shall show to the city clerk's satisfaction that  
1824 they have received at least the following numbers of signatures from  
1825 qualified voters residing in the territory from which the office is  
1826 elected and qualifying contributions: for signatures, at least twice  
1827 the number of signatures required by statute for a place on the ballot  
1828 for the office sought by the candidate; and for qualifying  
1829 contributions, at least 150. The city clerk shall maintain a list of  
1830 qualified candidates and make it readily accessible to the public,  
1831 including by publishing it on the City's website. The city clerk shall  
1832 establish rules for campaign disclaimers as to whether candidates  
1833 are participating or not in the Program. After every election cycle  
1834 and after holding public hearings, the city clerk may adjust the  
1835 signature and qualifying contribution thresholds as circumstances  
1836 change to ensure that the purposes of the Program are fulfilled.  
1837

1838 (4) Voucher Aggregate Limits. Participating candidates shall comply

1839 with all campaign laws and not exceed the following voucher  
1840 aggregate limits for Democracy Dollars Vouchers that the candidate  
1841 shall have allocated to the general or run-off election: for mayoral  
1842 candidates, \$300,000 for the general election and \$300,000 for the  
1843 run-off election; for city council candidates, \$75,000 for the general  
1844 election and \$75,000 for the run-off election. Prior to the 365th day  
1845 before the date of each general election, the city clerk shall modify  
1846 the voucher aggregate limit to increase or decrease in accordance  
1847 with the most recently published federal government Bureau of  
1848 Labor Statistics Indicator, Consumer Price Index (CPI-W U.S. City  
1849 Average) U.S. City Average. The most recently published  
1850 Consumer Price Index on May 1, 2021, shall be used as a base of  
1851 100 and the adjustment thereafter will be to the nearest \$50,000 for  
1852 candidates for mayor and to the nearest \$12,500 for candidates for  
1853 city council.  
1854

1855 (5) Further Limits on Redemption A qualified candidate may collect  
1856 Democracy Dollars Vouchers for the run-off election before the  
1857 general election takes place and allocate same to the run-off  
1858 election, but may not redeem Democracy Dollars Vouchers for the  
1859 run-off election unless such candidate advances to the run-off  
1860 election.  
1861

1862 (6) Loss of Qualification. A candidate loses qualification for the  
1863 Program by publicly announcing withdrawal, abandoning the race,  
1864 failing to advance to the run-off election, or if the city clerk finds  
1865 sufficient material violations of election laws or Program  
1866 requirements such as violation of contribution limits, or fraudulent  
1867 or attempted fraudulent transfer or assignment of Democracy  
1868 Dollars Vouchers.  
1869

1870 (7) Redemption of Democracy Dollars Vouchers. The city clerk shall  
1871 redeem Democracy Dollars Vouchers only:

- 1872
- 1873 (i) if redemption shall not put the candidate over the voucher  
1874 aggregate limit;
- 1875 (ii) if Program funds are available;

1876 (iii) after verifying the Democracy Dollars Voucher was received  
1877 from an eligible person; and

1878 (iv) after verifying the Democracy Dollars Voucher signature. To  
1879 verify signatures, the city clerk may contract with other  
1880 governmental agencies.

1881 The city clerk shall redeem Democracy Dollars Vouchers on  
1882 published regular redemption dates that shall be no less frequent  
1883 than twice a month. The city clerk shall not redeem any Democracy  
1884 Dollars Voucher received later than one day after the day of general  
1885 election from any candidate who does not qualify for the run-off  
1886 election or received later than one day after the day of run-off  
1887 election from any candidate in the run-off election.

1888 (8) Limits on Use of Voucher Proceeds. Candidates shall use  
1889 Democracy Dollars Voucher proceeds only to pay their own  
1890 campaign costs or debts, as defined by state and local laws, for the  
1891 relevant election, and may not use such proceeds after a reasonable  
1892 period (to be set by the city clerk) following the election to pay  
1893 campaign debts incurred before the election. Candidates shall not  
1894 use Democracy Dollars Voucher proceeds:

1895  
1896 (i) far any cash payments or in violation of any law;  
1897

1898 (ii) to pay the candidate or family members within the 3rd  
1899 degree of consanguinity and affinity for any goods, services,  
1900 or things of value;

1901  
1902 (iii) to pay any entity in which the candidate, or family members  
1903 within the third degree of consanguinity and affinity, holds  
1904 a five percent or greater ownership interest;

1905  
1906 (iv) to pay any amount over fair market value for any goods,  
1907 services or things of value;

1908  
1909 (v) to pay any penalty or fine;

1910  
1911 (vi) to pay any costs related to contested elections, defense of  
1912 campaign or ethics violations, inaugurations, or officeholder

1913 expenses; or

1914

1915 (vii) to donate any amount to another candidate, political  
1916 committee, or non-profit organization.

1917

1918 The city clerk may promulgate regulations defining what constitutes  
1919 campaign use that is stricter than state law. The candidate and their  
1920 campaign are liable for their campaign's misuse of Democracy  
1921 Dollars. Penalties for misuse of Democracy Dollars Vouchers or  
1922 other violations of the rules of the Program may include any of the  
1923 following: disqualification from participation in the Program;  
1924 restitution to the Program of all costs of prosecution, including  
1925 attorneys' fees; restitution to the Program of all funds received by  
1926 the candidate from the Program in that election cycle; and restitution  
1927 to the Program of any amounts misappropriated or the face value of  
1928 Democracy Dollars Vouchers misused.

1929 (9) Return of Democracy Dollars Voucher Proceeds. A candidate who  
1930 has redeemed a Democracy Dollars Voucher, then withdraws, dies,  
1931 becomes ineligible, loses qualification, or is eliminated in any  
1932 general or run-off election, or wins a general election, shall within a  
1933 reasonable period, as defined by the city clerk, pay all reasonable  
1934 and necessary debts and obligations, account to the city clerk, and  
1935 restore to city clerk and the Program unspent Democracy Dollars  
1936 Voucher proceeds, which the city clerk shall define by rule.

1937

1938 (E) Funding and Spending Limits.

1939

1940 (1) The city clerk shall establish a Program dedicated fund account into  
1941 which all the Program's proceeds shall be deposited. This account  
1942 shall be under the city clerk's discretion and full control.

1943

1944 (2) These funds shall be deposited promptly into the Program dedicated  
1945 fund account for the exclusive use of funding the Program: all  
1946 candidate filing fees; all campaign finance, lobbyist reporting, and  
1947 ethics fines, late fees, and criminal penalties; all donations and  
1948 grants for the Program allowed by the city clerk; interest or other

1949 gains from the dedicated fund; and any other funds appropriated or  
1950 designated for the Program.

1951  
1952 (3) The Council shall provide the city clerk the funds it needs to  
1953 effectively administer and publicize the Program.

1954  
1955 (4) At the beginning of each calendar year, the City of Austin shall  
1956 transfer in general revenue funds at least \$500,000 to the Program  
1957 fund account for the purpose of funding the redemption of  
1958 Democracy Dollars Vouchers.

1959  
1960 (5) If there is an excess of funds in the dedicated fund for the Program's  
1961 current or reasonably foreseeable future use of Democracy Dollars  
1962 Vouchers, the city clerk, at its discretion, may transfer the excess to  
1963 the City's general fund.

1964

1965 (F) Transparency.

1966

1967 (1) Assigning a Democracy Dollars Voucher is a public act. Recipients  
1968 of Democracy Dollars Vouchers shall expect the same to be public  
1969 and made public and shall have no expectation of privacy in  
1970 registering to obtain, or in assigning, Democracy Dollars Vouchers.  
1971 All Democracy Dollars Vouchers holders are on notice that the  
1972 process is public and transparent, except that the city clerk shall not  
1973 publish mail, email, or other addresses to which Democracy Dollars  
1974 Vouchers are sent, unless required by law.

1975  
1976 (2) The city clerk shall make transparent, at its offices and on its  
1977 website, all assignments and redemptions of Democracy Dollars  
1978 Vouchers, including recipient name, voucher identification number,  
1979 date assigned, to whom assigned, and when redeemed. The city  
1980 clerk shall provide other necessary means to make the Democracy  
1981 Dollars Voucher process and Program open and transparent so that  
1982 each Democracy Dollars Voucher recipient and the media and  
1983 public can track assignments of Democracy Dollars Voucher.

1984  
1985 (3) If a Democracy Dollars Voucher recipient believes the recipient's  
1986 Democracy Dollars Voucher was lost, stolen, or fraudulently or

1987 improperly assigned or redeemed, the city clerk may require a  
1988 notarized declaration or affidavit or other process to find the relevant  
1989 facts and provide relief it deems appropriate, including Democracy  
1990 Dollars Voucher replacement, cancellation of assignment, or  
1991 reimbursement of any improperly obtained Program funds.  
1992

1993 (4) The city clerk shall promulgate rules and regulations regarding its  
1994 receipt of duplicate Democracy Dollars Voucher and shall ensure  
1995 that a process exists for any Democracy Dollars Voucher recipient  
1996 to attempt to show, without any filing fee or charge, the facts of loss,  
1997 theft, destruction, forgery of, duress in, or other improper acts  
1998 concerning or in the assignment of the Democracy Dollars Voucher.  
1999 Such process shall at minimum include procedures to submit  
2000 information through mails or in person.  
2001

2002 (5) In all cases, no Democracy Dollars Voucher assignment shall be  
2003 deemed invalid or revocable unless for reason of being a duplicate  
2004 voucher or forgery, threats, coercion, or physical duress, shown by  
2005 clear and convincing evidence. The city clerk shall issue regulations  
2006 providing remedies and consequences for such acts, which may  
2007 include, for sufficient material violation of Program requirements,  
2008 campaign laws, or any acts of intentional forgery. threats, duress, or  
2009 coercion in obtaining assigned Democracy Dollars Voucher, an  
2010 order requiring a candidate to return to the Program any proceeds of  
2011 Democracy Dollars Voucher or disqualifying a candidate from the  
2012 Program.  
2013

2014 (G) Administration.  
2015

2016 (1) The city clerk shall implement and administer the Program, Program  
2017 funds, and provisions in this section. including issuing and  
2018 promulgating appropriate regulations, forms, rules, information  
2019 packets, procedures, and enforcement mechanisms. The city clerk  
2020 shall through rule-making carry out the provisions of this  
2021 Subchapter VIII, including but not limited to making regulations,  
2022 defining terms, establishing other rules, or promulgating any other  
2023 administrative regulations or guidelines not inconsistent with the  
2024 provisions or this section.  
2025

- 2026 (2) Prior to distributing Democracy Dollars Vouchers, the city clerk  
2027 shall inform the public about Democracy Dollars Vouchers and the  
2028 Program. The city clerk shall publish appropriate guidebooks for  
2029 candidates and Democracy Dollars Vouchers recipients, and all  
2030 forms, instructions, brochures and documents necessary and proper  
2031 for the Program.  
2032
- 2033 (3) After each election in which Democracy Dollar Vouchers are made  
2034 available, the city clerk shall review the Program and submit reports  
2035 to the public and the city council. The city clerk shall project  
2036 Program revenue, expenditures, and Program funds balances, and  
2037 shall revise and update such projections regularly, and at all times  
2038 shall manage Program funds as a fiduciary, ensuring proper  
2039 accumulation and distribution of funds, during nonelection and  
2040 election years, to achieve Program purposes and goals. In making  
2041 such projections and administering this Program, the city clerk shall  
2042 consider all relevant circumstances, including differing voucher  
2043 aggregate limits for different offices, differing funding needs in  
2044 mayoral and non-mayoral election years, and the need to manage the  
2045 Program and funds to seek participation by candidates.  
2046
- 2047 (4) By June 1, 2022, and January 1 of each municipal election year  
2048 thereafter, the city clerk shall manage and prudently conserve  
2049 Program funds by considering and projecting Program funds  
2050 availability and disbursements for that year and by publicizing such  
2051 projections, which shall include and consider needs of participating  
2052 candidates, needs for conservation of funds for future years or  
2053 reserve accumulation, prudent operating and administration cost,  
2054 and prudent conservation of public resources.  
2055
- 2056 (5) By June 1, 2022 and January 1 of each municipal election year  
2057 thereafter, to assure candidates that ample funds will be available  
2058 for Democracy Dollars Voucher redemptions and to assure the  
2059 public that Democracy Dollars Voucher redemptions will be  
2060 prudently managed the city clerk shall set and publish an “Available  
2061 Program Funds Limit” for that year for Democracy Dollars Voucher  
2062 redemptions. In setting the Available Program Funds Limit, the city  
2063 clerk shall work to reasonably project and ensure that adequate  
2064 Program funds are available for that election year consistent with

2065 this section and its goals and purpose.

2066

2067 (6) During any municipal election year, as soon as the city clerk  
2068 receives or reasonably believes it shall receive Democracy Dollars  
2069 Vouchers for redemption in excess of the Available Program Funds  
2070 Limit for that year, then Program funds shall be deemed unavailable,  
2071 and the city clerk shall publicly announce the same and set a prompt  
2072 deadline date for Democracy Dollars Vouchers delivery, After the  
2073 deadline, the city clerk, considering Democracy Dollars Vouchers  
2074 received and available Program funds, shall allocate remaining  
2075 available Program funds proportionately per unredeemed verified  
2076 Democracy Dollars Vouchers on hand, pro rata among all  
2077 participating candidates for all offices without discrimination.  
2078

2079 (7) If any special election is called, the city clerk shall set aside Program  
2080 funds for such election in an amount it deems appropriate. The city  
2081 clerk may set, implement, or modify standards, procedures, limits,  
2082 and deadlines similar to those in this section as the city clerk deems  
2083 proper and necessary for such special election, taking care to not  
2084 unduly prejudice accumulation of Program funds.  
2085

2086 (H) Severability. If any provision of this section, or the application of that  
2087 provision to any persons or circumstances, shall be held invalid, then the  
2088 remainder of this section, to the extent that it can be given effect, and the  
2089 application of that provision to persons or circumstances other than those  
2090 to which it was held invalid, shall not be affected thereby, and to this extent  
2091 the provisions of this section are severable.  
2092

2093 **PART 6.** The elections shall be conducted between the hours of 7:00 a.m. and 7:00  
2094 p.m. The location of the main early voting polling place, the dates and hours for  
2095 early voting, and the early voting clerk's official mailing address are provided in  
2096 Exhibit A, attached and incorporated as a part of this ordinance.

2097 **PART 7.** A direct electronic recording voting system, as the term is defined in Title  
2098 8 of the Texas Election Code, shall be used for early voting and for voting conducted  
2099 on election day. The central counting station is established at the Travis County  
2100 Elections Division, 5501 Airport Boulevard, Austin, Texas.

2101 **PART 8.** Notice of this election shall be posted and published in accordance with  
2102 state law. The notice shall be posted, in both English and Spanish, in the office of  
2103 the City Clerk and at the City Hall notice kiosk not later than the 21<sup>st</sup> day before  
2104 election day. Notice of this election shall be published one time, in English and  
2105 Spanish, not earlier than the 30<sup>th</sup> day before the date of the election or later than the  
2106 10<sup>th</sup> day before the date of the election, in a newspaper of general circulation in the  
2107 City of Austin.

2108 **PART 9.** In accordance with Chapter 271 of the Texas Election Code, the **(DATE)**  
2109 special municipal election may be held jointly with the various political subdivisions  
2110 that share territory with the City of Austin and that are holding elections on that day.  
2111 The City Clerk may enter and sign joint election agreements with other political  
2112 subdivisions for this purpose, and their terms as stated in the agreements are hereby  
2113 adopted.

2114 **PART 10.** The Council finds that the need to immediately begin required  
2115 preparations for these elections constitutes an emergency. Because of this  
2116 emergency, this ordinance takes effect immediately on its passage for the immediate  
2117 preservation of the public peace, health, and safety.

2118 **PASSED AND APPROVED**

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\_\_\_\_\_  
Steve Adler  
Mayor

**APPROVED:** \_\_\_\_\_  
Anne L. Morgan  
City Attorney

**ATTEST:** \_\_\_\_\_  
Jannette S. Goodall  
City Clerk