

ORDINANCE NO. 20210811-010

AN ORDINANCE ORDERING A SPECIAL MUNICIPAL ELECTION TO BE HELD IN THE CITY OF AUSTIN ON NOVEMBER 2, 2021, TO SUBMIT TO THE VOTERS A PROPOSED CITIZEN-INITIATED ORDINANCE REGARDING FUNDING, STAFFING, TRAINING, AND OVERSIGHT OF THE AUSTIN POLICE DEPARTMENT; PROVIDING FOR THE CONDUCT OF THE SPECIAL ELECTION; AUTHORIZING THE CITY CLERK TO ENTER INTO JOINT ELECTION AGREEMENTS WITH OTHER LOCAL POLITICAL SUBDIVISIONS AS MAY BE NECESSARY FOR THE ORDERLY CONDUCT OF THE ELECTION; AND DECLARING AN EMERGENCY.

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

PART 1. A special municipal election shall be held in the City of Austin on November 2, 2021, to submit to the voters of the city a proposed citizen-initiated ordinance regarding funding, staffing, training, and oversight of the Austin Police Department. The ballot shall be prepared to permit voting “Yes” or “No” on the Proposition:

Proposition A: Shall an ordinance be approved that, at an estimated cost of \$271.5 million - \$598.8 million over five years, requires the City to employ at least 2 police officers per 1,000 residents at all times; requires at least 35% of patrol officer time be uncommitted time, otherwise known as community engagement time; requires additional financial incentives for certain officers; requires specific kinds of training for officers and certain public officials and their staffs; and requires there be at least three full-term cadet classes for the department until staffing levels reach a specific level?

PART 2. If the proposition provided in Part 1 is approved by a majority of voters voting at the election, the City Code is amended as indicated below, with the Purpose appearing before Section 2-16-1 of the City Code, and the Effectiveness and Severability appearing after Section 2-16-3 of the City Code:

PART 1. Purpose

On August 13, 2020, the City of Austin announced the adoption of its budget for 2020-21. One of the most fundamental and basic duties and responsibilities of municipal government and local elected officials is to provide for the safety of residents and visitors. The adopted budget was represented “to reflect the priorities of the Austin community,” while it drastically defunded the police department by reducing the budget by over \$31 million, cutting 180 officer positions and delaying four cadet classes. In addition to these budget reductions, more than \$120 million in funds were also set aside from police activities that could be ended or redirected. All of these decisions were made by the City Council, despite the fact the same City

budget reflects that fewer than 7 in 10 Austinites say they feel safe at all times, a downward trend in satisfaction the City itself admits it would “optimally ... like to increase significantly.” Further, more than 50% of residents and visitors say they are dissatisfied with public safety at night downtown, a critical deficiency for our community that has been historically dependent on tourism and entertainment. We must ensure that more police are employed, highly trained and fully accountable on the streets of our community. This proposed ordinance is critical and will require the City Council to adopt an adequate level of police funding, staffing, and training and enhance police oversight, all of which are crucial to providing for the safety and well-being of our Austin Community.

PART 2. Title 2 of the Austin City Code is hereby amended by adding Chapter 2-16 as follows:

§ 2-16. EFFECTIVE PUBLIC SAFETY

§ 2-16-1 – MINIMUM STANDARDS AND RESOURCES

The city council shall ensure at all times that the police department achieves the following minimum standards:

(A) the employment of at least two sworn officers for every 1,000 residents, as determined by the city demographer based on the most recent data available from the United States Census Bureau, while maintaining not less than 35% community engagement time for all front-line officers whose time is measured on this basis across the entire police force;

(B) full enrollment for no fewer than three full-term cadet classes for the department, until such time as the staffing levels for the department return to the levels prescribed in the 2019-2020 city budget;

(C) an additional 40 hours each year of mandatory continuing education and in-service training for all sworn officers employed by the department above the hours required by the Texas Commission on Law Enforcement, with an emphasis on training outside a classroom setting that will equip the officers to handle evolving, fluid, dangerous situations and enhance their own safety and that of the public. The training will be developed by the commander of the department academy and emphasize skills essential to the everyday split-second decision-making officers face on the streets in areas such as critical thinking, defensive tactics, intermediate weapons proficiency, active shooter scenarios, and hasty react team reactions; and

(D) a program designed by the police chief to enhance recruiting and retention of officers by providing incentives in the form of additional compensation or compensatory time for:

- (1) officers proficient in the five most common non-English languages spoken in the city, based on the most recent information available from the United States Census Bureau,
- (2) officers who participate in a mentoring program for cadets in the department academy, and
- (3) officers in good standing and eligible for an honorable conduct citation or equivalent recognition every fifth year.

§ 2-16-2 – REPRESENTATIVE COMMUNITY POLICING

To ensure effective public safety throughout all areas of the city that meets the needs of neighborhoods and establishes and maintains trust between the police and city residents, the police chief shall:

- (A) Work to recruit, hire and maintain a police force that reflects the racial, ethnic and gender diversity of the city.
- (B) Establish a system that, to the extent practicable, ensures officers representative of, and proficient in the most common non-English languages spoken in, neighborhoods within the city regularly and consistently patrol those neighborhoods.

§ 2-16-3 – COORDINATION OF OVERSIGHT

To help ensure effective oversight of and accountability for the Department:

- (A) The mayor and council members, their assistants and members of their staffs, and the director of the office of police oversight shall, during their first year of service or employment, (a) attend and complete the curriculum of the Citizen Police Academy or the alternative program developed by the director and (b) participate in the city's Ride Along Program, and the director shall issue a report annually regarding the participation of these individuals.
- (B) In order to be eligible for appointment to the Public Safety Commission or the Community Police Review Commission or their successor boards, a person nominated to serve by a council member must, prior to any vote of the council to approve the nomination, (a) attend and complete the curriculum of the Citizen Police

Academy or the alternative program developed by the director and (b) participate in the city's Ride Along Program.

PART 3. Effectiveness and Severability.

(A) The effective date of this ordinance shall be the earlier of (i) ten (10) days after the date of its final passage by the Austin City Council, as prescribed under Article IV, Section 4(a) of the Austin City Charter or (ii) the date upon which the results of an election required under Article IV, Section 4(b) are canvassed.

(B) If any section, paragraph, clause, or provision of this ordinance is for any reason held to be invalid or unenforceable, the invalidity or unenforceability of that section, paragraph, clause, or provision shall not affect any of the remaining provisions of this ordinance, and to this end, the provisions of this ordinance are declared to be severable. This ordinance shall supersede the Austin City Code to the extent there are any conflicts.

PART 3. The election shall be conducted between the hours of 7:00 a.m. and 7:00 p.m. The location of the main early voting polling place, the dates and hours for early voting, and the early voting clerk's official mailing address are provided in **Exhibit A**, attached and incorporated as a part of this ordinance.

PART 4. A direct electronic recording voting system, as the term is defined in Title 8 of the Texas Election Code, shall be used for early voting and for voting conducted on election day. The central counting station is established at the Travis County Elections Division, 5501 Airport Boulevard, Austin, Texas.

PART 5. Notice of this election shall be posted and published in accordance with state law. The notice shall be posted, in both English and Spanish, in the office of the City Clerk and at the City Hall notice kiosk not later than the 21st day before election day. Notice of this election shall be published one time, in English and Spanish, not earlier than the 30th day before the date of the election or later than the 10th day before the date of the election, in a newspaper of general circulation in the City of Austin.

PART 6. In accordance with Chapter 271 of the Texas Election Code, the November 2, 2021 special municipal election may be held jointly with the various political subdivisions that share territory with the City of Austin and that are holding elections on that day. The City Clerk may enter and sign joint election agreements with other political subdivisions for this purpose, and their terms as stated in the agreements are hereby adopted.

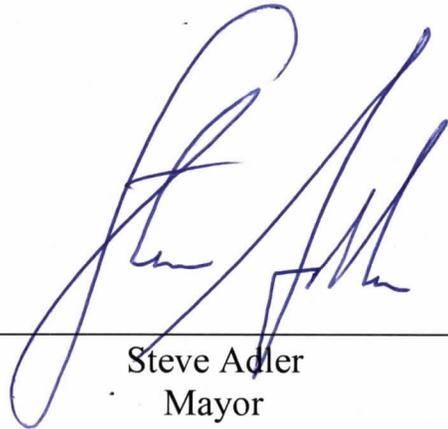
PART 7. The Council finds that the need to immediately begin required preparations for this election constitutes an emergency. Because of this emergency, this ordinance takes

effect immediately on its passage for the immediate preservation of the public peace, health, and safety.

PASSED AND APPROVED

August 11, 2021

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Steve Adler
Mayor

APPROVED: 
Anne L. Morgan
City Attorney

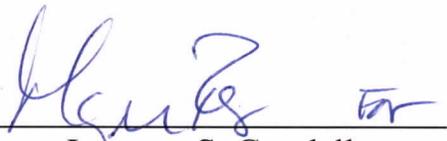
ATTEST: 
Jannette S. Goodall
City Clerk

EXHIBIT A

Main Early Voting Locations, Early Voting Dates, and Early Voting Clerk Mailing Address November 2, 2021

Main Early Voting Locations:

Travis County: City of Austin Permitting and Development Center, 6310
Wilhelmina Dr., Austin TX

Hays County: Government Center Conference Room, 712 S. Stagecoach Trail, San
Marcos, TX

Williamson County: Williamson County Inner Loop Annex, 301 SE Inner Loop,
Suite 104, Georgetown, TX

Early Voting Dates:

Monday, October 18, 2021 – Friday, October 29, 2021; times vary

Designated 12-Hour Days of Early Voting:

Travis County – every Early Voting Day except Sunday, October 24, 2021

Hays County – Thursday, October 28, 2021 and Friday, October 29, 2021

Williamson County – Thursday, October 28, 2021 and Friday, October 29, 2021

Early Voting Clerk Mailing Addresses:

Ballots by Mail – Travis County

By Mail Voters: Dana Debeauvoir – Travis County Clerk – Elections Division -
P.O. 149325, Austin, Texas 78714-9325

By Contract Carriers/ Fedex: 5501 Airport Blvd., Austin, Texas 78751

Ballots by Mail - Hays County

By Mail Voters: P.O. Box 907, San Marcos, TX 78666

Ballots by Mail – Williamson County

By Mail Voters: P.O. Box 209, Georgetown, TX 78627

ADJUNTO A

Sitios Principales de la Votación Adelantada, Fechas de la Votación Adelantada y Dirección Postal del/la Secretario/a de la Votación Adelantada 2 de Noviembre, 2021

Sitios Principales de la Votación Adelantada:

Condado de Travis: City of Austin Permitting and Development Center, 6310 Wilhelmina Dr., Austin TX

Condado de Hays: Government Center Conference Room, 712 S. Stagecoach Trail, San Marcos, TX

Condado de Williamson: Williamson County Inner Loop Annex, 301 SE Inner Loop, Suite 104, Georgetown, TX

Fechas de la votación Adelantada:

Lunes, 18 de octubre, 2021 – Viernes, 29 de octubre, 2021; las horas varían

Días Designados con 12 Horas de Votación Adelantada:

Condado de Travis – cada día de Votación Adelantada excepto el domingo, 24 de octubre, 2021

Condado de Hays-Jueves, 28 de octubre, 2021 y viernes, 29 de octubre, 2021

Condado de Williamson – Jueves, 28 de octubre, 2021 y viernes, 29 de octubre, 2021

Direcciones Postales de los/las Secretarios/as de la Votación Adelantada:

Para Solicitar Boletas por Correo-Condado de Travis

Votantes que Votan por Correo: Dana Debeauvoir-Secretaria del Condado de Travis-División Electoral, P.O. 149325, Austin, Texas 78714-9325

Dirección si usa transportista contratado/ Fedex: 5501 Airport Blvd., Austin, Texas 78751

Para Solicitar Boletas por Correo – Condado de Hays

Votantes que Votan por Correo: P.O. Box 907, San Marcos, TX 78666

Para Solicitar Boletas por Correo – Condado de Williamson

Votantes que Votan por Correo: P.O. Box 209, Georgetown, TX 78627