

ORDINANCE NO. 20211104-062

AN ORDINANCE AMENDING CITY CODE CHAPTER 2-1 (*CITY BOARDS*) TO ALLOW FOR HYBRID PARTICIPATION AT MEETINGS OF BOARDS AND COMMISSIONS AND THEIR SUBCOMMITTEES, AND REMOVE THE REQUIREMENT THAT A QUORUM MUST BE PHYSICALLY PRESENT AT A MEETING TO CONDUCT BUSINESS.

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

PART 1. Findings

The City Council finds that allowing members of City boards and commissions to hold hybrid meetings where only the presiding officer is required to be physically present at the meeting location and some or all other board members participate virtually, in compliance with Section 551.127(c) of the Texas Open Meetings Act, supports those individuals who volunteer to serve on those boards and commissions and allows greater public access to board and commission meetings while ensuring members of the public as well as board members can maintain social distancing when necessary for health and safety reasons.

PART 2. Subsection (E) of City Code Section 2-1-6 (*Quorum and Action*) is repealed and the remaining subsection is renumbered accordingly, as follows:

- (E) ~~[All members necessary to provide a quorum must be physically present at a meeting to conduct business.]~~
- ((F)) An ex officio member of a board that is subject to the requirements of this chapter may participate at board meetings but may not vote or bring a motion and does not count towards calculation of a quorum or any other minimum vote count required by city code or state law.

PART 3. City Code Section 2-1-7 (*Staff Support*), is amended by amending subsection 2-1-7(A) and adding new subsection 2-1-7(C), to read:

- (A) The city manager shall designate a City department to provide sufficient staff support for each board and each committee of a board and each joint committee to allow each committee and board to be able to conduct hybrid meetings and to comply with Government Code Chapter 551 (*Open Meetings Act*); support will also [;]include[ing] an executive to serve as executive board

liaison and a staff member to serve as board liaison between the department and the board.

- (C) The city clerk shall prepare a policy document that details the requirements and procedures for setting and holding in-person or hybrid meetings.

PART 4. Section 2-1-24 (*Conflict of Interest and Recusal*) is amended by adding new Subsection (D) and the remaining subsections renumbered accordingly, as follows:

- (D) For purposes of the requirements of Subsections (B) and (C), a board member who is participating virtually via videoconference may submit a signed and scanned version of the attendance sheet, or other document prescribed for that purpose by the city clerk, via email to the staff liaison and board Chair upon or before virtually joining the meeting; other delivery methods of the form are acceptable as long as the staff liaison has the signed form by the start of the meeting.
- (~~D~~)E) Except as provided by Subsection (D), [F]failure by a member to comply with Subsection (B) will result in that member being counted as absent from the board meeting; such an absence is an unexcused absence. Any vote or votes cast by a member who fails to comply with Subsections (B) or (C) will not be counted at the board or committee meeting at issue.
- (~~E~~)F) Chapter 2-7, Article 3 (*Violation: Complaint And Hearing Procedures*) applies to this section, and a sworn complaint alleging a violation may be filed under the procedures of that article. If the Ethics Review Commission determines that a violation of this section has occurred, it shall follow the procedure required by Section 2-7-47 (*Prosecution*).

PART 5. Section 2-1-26 (*Attendance Requirements and Automatic Vacation*) is amended by adding new Subsection (E), to read:

- (E) For purposes of Subsection (A), a board member who is absent from the dais, or is not on camera if participating virtually via videoconference, for more than 50% of the votes cast at that meeting will be considered absent from the entire meeting.

PART 6. Subsection (B) of City Code Section 2-1-43 (*Meeting Requirements*) is amended to read as follows:

- (B) Each board shall comply with Government Code Chapter 551 (*Open Meetings Act*). [~~All members necessary to provide a quorum must be physically present at a meeting to conduct business.~~]

PART 7. This amendment takes effect on February 28, 2022.

PASSED AND APPROVED

_____, November 4, 2021

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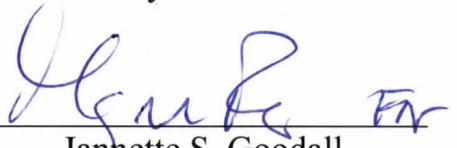
Steve Adler
Mayor

APPROVED:



Anne L. Morgan
City Attorney

ATTEST:



Jannette S. Goodall
City Clerk