RESOLUTION NO.

WHEREAS, the City's Charter governs its most fundamental civic contract with residents; and

WHEREAS, Austin voters decided in 2012 to move municipal general elections for Mayor and Council members from May to November and in 2021 decided to move the Mayor's election to coincide with that of the President of the United States in order to engage with the largest likely voter participation; and

WHEREAS, Council wishes to utilize the higher voter participation in presidential elections to offer its amendments to the City Charter; and

WHEREAS, Council previously has formed advisory commissions of City residents to provide recommendations in anticipation of those Charter amendment elections; and

WHEREAS, in order to avoid conflicts of interest, the Charter prohibits any individual from qualifying to serve on the Independent Citizen's Review Commission~~,~~ who themselves or their spouse within the five years before applying served as or was a candidate for city or state office; was an officer, employee, or paid consultant of a political party or of the campaign committee of a candidate for elective state, county, or city office; or was a registered state or local lobbyist, among other restrictions, and therefore a precedent has been set on limiting certain individuals from serving on such a City commission; and

WHEREAS, past Charter review commissions have limited participation to non-lobbyists; and

WHEREAS, Article XI, Section 5 of the Texas State Constitution provides that a city's Charter may not be amended more often that every two years, and

draft

Section 9.004(b) of the Texas Local Government Code provides that the Charter amendment election, including citizen-initiated Charter amendment elections, must be held on the first authorized uniform election date prescribed by the Texas Election Code or on the earlier of the date of the next municipal general election or next presidential general election; and

WHEREAS, conducting off-cycle elections has considerable cost for the City, and deciding significant policy questions during low-participation elections risks un-representative governance; and

WHEREAS, Article IV of the City Charter outlines the requirements for citizen initiative, referendum, and recall petitions, and prior to November 2012, both initiative and referendum petitions required signatures from 10% of qualified voters to require an election to amend the City Code; and

WHEREAS, in November 2012, voters approved a Charter amendment to change the number of required signatures for initiative and referendum petitions to be equal to the number of signatures required by state law to initiate a Charter amendment: 5% of qualified voters or 20,000, whichever number is smaller, and this change resulted in petitioners needing fewer than half the number of signatures than before; and

WHEREAS, in 2012, when the change was made, 20,000 signatures was 4% of qualified voters, but this fixed number represents a steadily decreasing percentage of Austin voters as the City's population continues to grow; and

WHEREAS, in 2017, Council established a 2018 Charter Review Commission to advise the Council on revisions to the Charter, and the body recommended changes to referendum and recall petitions including:

draft

- increasing the percentage of voters needed for a recall petition from 10% of registered voters in the district to 20% and
- requiring petitioners to file a letter of intent with the City Clerk before collecting signatures for a referendum petition; and

WHEREAS, from the Charter Review Commission's May 7, 2018 report, Council only submitted to voters the amendments related to routine harmonization of language and recommendations related to the Planning Commission; and

WHEREAS, an October 2019 report by the City Auditor regarding citizen initiatives to amend the City Code noted that most peer cities require more signatures for citizen initiatives than Austin and that only Austin provides for a set number of signatures required or a percentage requirement, whichever is smaller; and

WHEREAS, the October 2019 report further notes that since the change in petition thresholds, six citizen-initiated petitions had been filed, five of which were confirmed as valid; and

WHEREAS, since the October 2019 publication of the Auditor's report there have been an additional ten citizen-initiated ballot items submitted to the Clerk and placed before the voters; **NOW, THEREFORE,**

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

The Council establishes a 2024 Charter Review Commission to advise the Council and issue a Recommendation Report to Council on initiative, referendum, and charter amendment petition and election requirements noted below and any further revisions which may be necessary or desirable to align the City Charter with changes to applicable law, and to make recommendations to the Council to

draft

improve and enhance transparency and the general functions of city government. The City Manager is directed to provide the necessary resources to support the efforts of the Commission and assist the Commission in organizing along the following parameters:

- The Commission shall be composed of eleven voting members, and Council members and the Mayor shall have one nomination each for approval by the Council.
- A member nominated to the Commission shall reside within the City limits, not be a lobbyist, and not have submitted a petition for an initiative or referendum election to the City Clerk in the last 5 years.
- Any appointed member shall comply with the same open-meetings regulations, quorum rules, and financial disclosures as required of the Planning Commission.
- Any member of the Commission may be removed by the Council for malfeasance, failure to attend three or more consecutive meetings (except for absences due to illness of the commission member or an immediate family member, birth or adoption of child, and military service), or willful neglect of duty.
- The Commission shall conduct public hearings to encourage and solicit broad-based input from the community at large for consideration of each proposal prior to the submission of the Recommendation Report to the Council.
- The Commission shall review the recommendations of prior charter review commissions and any suggestions that may be prepared by the

draft

City Staff, including feedback from the City Clerk and City Auditor's office.

- The Commission shall begin its work as soon as practicable, with the goal of recommending amendments within 365 days of the passage of this resolution for consideration by the public and for Council to ensure that proposed amendments can be placed on the November 2024 ballot in a timely manner.

- The 2024 Charter Review Commission will cease operations upon submission of its final report to Council.

BE IT FURTHER RESOLVED:

The Council expresses its intent to hold an election in November 2024 to allow voters to decide on changes to petition requirements for initiative and referendum or City Charter amendments including, but not limited to:

- Use of a durable signature threshold that utilizes a percentage of the total number of registered voters in the City.

- Limit on citizen-initiated changes to the ~~City Code or~~ City Charter to November elections with a stated preference of holding elections on presidential election years.

draft

- A process for filing petitions that ensures transparency and includes, but is not limited to:
  - Letters of intent ~~for petitions that ensure transparency.~~
  - Text of the proposed petition
  - Contact information
- Ethical guidelines for gathering petition signatures.
- Alternative proposition lettering or numbering system to prevent voter confusion.

ADOPTED: _____, 2023 **ATTEST:** _____
Myrna Rios
City Clerk

draft