

**AUSTIN-TRAVIS COUNTY  
PUBLIC HEALTH COMMISSION  
GENERAL PROVISIONS**

**1 DEFINITIONS.**

- 1.1 **COMMISSION** means the Austin-Travis County Public Health Commission as described in the resolutions approving the formation of the Commission by the City of Austin and Travis County.
- 1.2 **COMMISSION MEMBER** means a member appointed by the City of Austin and Travis County in accordance with the process outlined in this document.
- 1.3 **COMMITTEE** means a body of commission members established by an affirmative vote of the commission, consisting of at least three commission members, to which the commission has delegated a defined matter, or matters.
- 1.4 **WORKING GROUP** means a body of persons which may include commission members and non-commission members established by an affirmative vote of the commission, consisting of less than a quorum of the commission, to which the commission delegates a defined matter, or matters, for consideration and recommendation to the commission. A working group is automatically dissolved after it reports its recommendations to the commission.

**2 COMMISSION COMPLIANCE WITH OPEN GOVERNMENT.**

- 2.1 The commission and its committees shall comply with chapter 551 (*Open Meetings Act*). This subsection does not apply to working groups.

**3 QUORUM AND ACTION.**

- 3.1 A majority of the total number of authorized commission members constitutes a quorum for the conduct of business. For example, if the commission is comprised of nine members, five commission members constitute a quorum.
- 3.2 A commission action must be adopted by an affirmative vote of the number of members necessary to provide a quorum. For a nine-member commission, a commission action must be adopted by an affirmative vote of the majority of commission members.

- 3.3 The number of members necessary to provide a quorum may be accomplished through physical or virtual attendance at a meeting to conduct business, unless otherwise prohibited by law.

#### **4 STAFF SUPPORT.**

- 4.1 Austin Public Health provides staff support for the commission and all associated committees of the commission.

#### **5 MEMBER ELIGIBILITY REQUIREMENTS AND REMOVAL.**

- 5.1 A commission member is nominated by the Ex Officio members of the Public Health Commission. Members are approved by the governing bodies that appoint the commission members.
- 5.2 A person who is registered or is required to register as a lobbyist under the Austin City Code Chapter 4-8 (*Regulation of Lobbyists*) or who is employed by a person registered or required to register under that chapter is not eligible to serve on a commission until the expiration of three years after the date that the person ceases to be registered, required to be registered, or employed by a person registered or required to register.
- 5.3 To be eligible for appointment to the commission, a person must file a written application.
- 5.4 After a person is appointed to the commission, the person is eligible to begin service after the person signs a written acknowledgment stating that the person:
  - 5.4.1 took the oath associated with the position;
  - 5.4.2 received a copy of and agreed to comply with the City of Austin's ethics and personal responsibility guidelines; and
  - 5.4.3 completed a Travis County Affidavit of Eligibility.
- 5.5 To maintain eligibility, a commission member must:
  - 5.5.1 complete the commission training required by Section 7 (*Training*);
  - 5.5.2 comply with the attendance requirements of Section 9 (*Attendance Requirements And Automatic Vacation*).
  - 5.5.3 Must reside in the City and the County or solely within the County for the duration of their membership on the Commission.

- 5.6 A person may not serve on more than one City-established commission simultaneously, except as a representative of another commission or as required by federal or state law or City ordinance or resolution.
- 5.7 A commission member who becomes ineligible to serve under federal or state regulation may not continue to serve even though a successor has not been appointed.
- 5.8 A commission member may be removed at any time by an affirmative vote of the majority of the governing body that appointed that commission member.
- 5.9 Unless otherwise provided by these general provisions, a City, County, or Central Health employee may not serve as a voting member of commission if:
  - 5.9.1 the employee is classified at the executive level;
  - 5.9.2 the employee is required to file an annual financial statement;
  - 5.9.3 the employee serves as staff to an elected official to either governing body;
  - 5.9.4 the employee makes policy or budgetary decisions;
  - 5.9.5 the City employee works for the Law Department, the Financial Services Department, the Purchasing Department, or the County employee works for the County Attorney, Planning and Budget Office, or the Purchasing Office of Travis County.

## **6 MEMBERSHIP TERM AND LIMITATION.**

- 6.1 A commission member is appointed for a term of up to two years beginning March 1st and expires on February 28<sup>th</sup> of the following year.
- 6.2 The term of a commission member appointed to fill an unexpired term shall expire on the expiration date of the term they were appointed to replace.
- 6.3 Except as provided in Subsection 6.4, a commission member may not serve longer than six consecutive years on the commission.
- 6.4 A commission member who has served six years on the commission is not eligible for reappointment until the expiration of two years after the last date of the member's service on the commission.

## 7 TRAINING.

- 7.1 A commission member who does not comply with the training requirements automatically vacates their position, subject to the hold over provision in Section 10 (*Vacancy and Hold Over Capacity*).
- 7.2 Each commission member must complete a commission course developed by staff not later than the 90th day after the date of the member's appointment or reappointment. The training shall include:
  - 7.2.1 a review of a commission member's personal and ethical responsibilities;
  - 7.2.2 the role of council and staff and the council-manager form of government;
  - 7.2.3 the role of advisory commissions in making recommendations and advising City Council and Travis County Commissioners Court;
  - 7.2.4 commission procedures, including attendance and quorum;
  - 7.2.5 Government Code Chapter 551 (*Open Meetings Act*), Robert's Rules of Order, and Americans with Disabilities Act requirements; and
  - 7.2.6 conflict resolution; and
  - 7.2.7 the use of a City e-mail account for commission-related business.
- 7.3 Communications Using Electronic Devices
  - 7.3.1 This section does not apply to voice communications. This section does not allow voice communications that are prohibited by Texas Government Code, Chapter 551 (*Open Meetings Act*)
  - 7.3.2 The City Clerk for the City of Austin (city clerk) shall establish and maintain an electronic mail (e-mail) system for the use of commission members in conducting commission business. The city manager shall provide the necessary technical support.
  - 7.3.3 Except as provided in this subsection, a commission member shall use the City e-mail account provided by the city clerk under this section for all communications using an electronic device to transmit text related to the member's service as a commission member.

- 7.3.3.1 Before the city clerk may furnish a City e-mail account to a commission member, the commission member must receive training on the use of the City e-mail account and accept the terms of a user agreement to be prescribed by ordinance.
- 7.3.3.2 If a commission member receives a communication related to their service as a commission member on a non-City e-mail account, the commission member shall promptly forward the communication to the City e-mail account furnished to the commission member.
- 7.3.3.3 A commission member who does not comply with the training requirement in this section or does not accept the terms of the user agreement, may not have access to a City e-mail account. A commission member who does not have access to a City e-mail account may not use electronic devices to transmit text related to commission business. This does not prohibit the commission member from responding on a non-City email account to a communication initiated by a City employee who is assigned to support a commission as a job duty.

## **8 CONFLICT OF INTEREST.**

- 8.1 This section is cumulative of Austin City Code Chapter 2-7 (*Ethics And Financial Disclosure*) and Local Government Code Chapter 171 (*Regulation Of Conflicts Of Interest Of Officers Of Municipalities, Counties, And Certain Other Local Governments*). Under this section a commission member has a conflict of interest if the City Code, Travis County policy, or another law prohibits the commission member from taking action on a vote or decision before the commission.
- 8.2 At each meeting, a commission member shall sign an attendance sheet and shall indicate:
  - 8.2.1 that the commission member has no conflict of interest related to any item on the agenda; or
  - 8.2.2 the number of an agenda item for which the commission member has a conflict of interest.
- 8.3 At each meeting of a committee to which a commission member is appointed, a committee member shall sign in on a sheet provided and shall indicate:

- 8.3.1 that the committee member has no conflict of interest related to any item on the committee meeting agenda; or
  - 8.3.2 the number of an agenda item for which the committee member has a conflict of interest.
- 8.4 Failure by a member to comply with Subsections 8.2 and 8.3 results in that member being counted as absent from the commission meeting; such an absence is an unexcused absence. Any vote or votes cast by a member who fails to comply with Subsections 8.2 or 8.3 are not counted at the commission or committee meeting at issue.

## **9 ATTENDANCE REQUIREMENTS AND AUTOMATIC VACATION.**

- 9.1 Except as provided in Subsection 9.2, a commission member automatically vacates the commission position if the commission member is absent for two consecutive regular meetings or one-half of all regular meetings in a rolling 12-month period, subject to the hold over provision in Section 10 (*Vacancy and Hold Over Capacity*). Attendance by a commission member at committee meetings and working group meetings is not considered for purposes of determining the commission member's compliance with attendance requirements.
- 9.2 Subsection 9.1 does not apply to an absence due to the following:
  - 9.2.1 the commission member's illness or injury;
  - 9.2.2 the illness of or injury to a member of the commission member's immediate family;
  - 9.2.3 the birth or adoption of the commission member's child, for 90 days after the birth or adoption; or
  - 9.2.4 active military service.

The commission member must notify the staff liaison of one of these stated reasons for the absence not later than the date of the next regular meeting of the commission. For an absence due to the birth or adoption of the commission member's child, the commission member must notify the staff liaison not later than the date of the next regular meeting after the birth or adoption.

- 9.3 The Austin Public Health staff which are assigned to provide staff support to the commission shall keep attendance records and notify the city clerk,

Travis County HHS Executive, and Travis County Intergovernmental Relations Officer if a commission member fails to comply with attendance requirements.

- 9.4 The city clerk and the Travis County HHS Executive shall notify the approving governing bodies if a commission member's attendance record creates an automatic vacancy that requires a new appointment.

## **10 VACANCY AND HOLD OVER CAPACITY.**

- 10.1 A commission member whose term has expired continues to serve in a hold-over capacity until the earlier of the date a successor is appointed and qualified to fill the position or the 60th day after the term expiration date.
- 10.2 A commission member who automatically vacates his position under Section 7 (*Training*) may maintain eligibility without the need for reappointment:
  - 10.2.1 if, not later than the 30th day after the applicable deadline, the member completes the eligibility requirement; and
  - 10.2.2 the member continues to serve in a hold-over capacity until the earlier of the date a successor is appointed and qualified to fill the position or the 60th day after the expiration of the applicable deadline.
- 10.3 A commission member who vacates a commission position under Section 9 (*Attendance Requirements and Automatic Vacation*) continues to serve in a hold-over capacity until the earlier of the date a successor is appointed to fill the position or the 60th day after the date the city clerk or County Executive HHS notifies the approving governing body that the commission member's attendance record created an automatic vacancy that requires appointment of a new member.

## **11 COMMISSION AUTHORITY AND ACTION.**

- 11.1 The commission serves only in an advisory capacity to the Austin City Council and Travis County Commissioners Court, unless granted specific authority by both the Austin City Council and Travis County Commissioners Court.
- 11.2 An individual commission member may not act in an official capacity except through the action of a majority of the commission.
- 11.3 The commission must make a recommendation to the Austin City Council and Travis County Commissioners Court not later than the 90th day after

the Austin City Manager and County Judge have referred an item to the commission for review. If the commission does not act timely as required under this subsection, the Austin City Manager and County Judge may forward an item to the Austin City Council and Travis County Commissioners Court without a commission recommendation.

- 11.4 If granted specific authority in accordance with Section 11.1, the commission must do so not later than the 90th day after the Austin City Manager and County Judge have referred an item to the commission for action. If the commission does not act timely as required under this subsection, the Austin City Manager and County Judge may forward an item to the Austin City Council and Travis County Commissioners Court without a commission action.

## **12 OFFICERS AND COMMITTEES.**

- 12.1 The commission shall annually select from its membership a chair and any additional officers that the commission finds appropriate.
- 12.2 A commission member may not serve as an officer in a designated position of the commission for more than three consecutive one-year terms. A commission member who has served as an officer in a designated position of a commission for three consecutive terms is not eligible for re-election to that designated office until two years after the last date of the commission member's service in that office, unless, the commission votes to reelect the commission member to that designated office for an additional term by a two-thirds vote. For a nine-member commission, six members constitute a two-thirds vote.
- 12.3 The commission may create a committee from its membership to aid the commission in carrying out its purpose, in accordance with the procedures outlined in its bylaws. A commission may not designate or appoint a non- member to serve on a committee. A commission may not create a joint committee with another commission unless directed by a formal action of the City Council or Commissioners Court to do so.
- 12.4 In lieu of creating a committee, a commission may create a working group to consider a defined matter or matters and report its findings and recommendation to the commission. A working group is not required to comply with Government Code Chapter 551 (Open Meetings Act) or to keep minutes of its meetings.

## **13 MEETING REQUIREMENTS. *(Need to establish meeting location.)***

- 13.1 The commission shall meet not less often than quarterly. The commission shall annually approve a regular meeting schedule and file the schedule



with the city clerk. The commission may only call one special meeting each quarter in addition to its regularly scheduled meetings unless the unscheduled meeting is required to comply with a statutory deadline or a deadline established by Austin City Council or Travis County Commissioners Court.

- 13.2 Each commission meeting agenda shall provide for citizen communication.
- 13.3 A commission liaison shall submit a meeting agenda through the city's on-line agenda posting system and the County Judge's office for each meeting.
- 13.4 The city clerk shall post each commission meeting agenda and keep a record of postings for all commission meetings.
- 13.5 The commission and each committee shall keep and post minutes of its meetings on the designated on-line system. The minutes shall:
  - 13.5.1 list the members in attendance;
  - 13.5.2 state the subject of each deliberation; and
  - 13.5.3 indicate each vote, recommendation approved, or other action taken.
- 13.6 After first consulting with and receiving input from the staff liaison, the commission chair shall approve each final meeting agenda prior to posting. Two or more commission members may place an item on the agenda by oral or written request to the staff liaison at least five days before the meeting.

#### **14 MEETING PROCEDURES.**

- 14.1 Commission meetings are governed by Robert's Rules of Order and the bylaws of the commission.
- 14.2 The commission shall adopt commission bylaws. A commission meeting may not extend beyond 10:00 p.m., unless the commission votes to continue.

#### **15 FAILURE TO MEET.**

- 15.1 The Austin Public Health Department employee who is assigned to provide staff support to the commission shall notify the city clerk and

County Executive HHS if the commission fails to post notice of and conduct a meeting for six months.

- 15.2 The Austin City Clerk and County Executive HHS shall send written notice to the Austin City Council and the Travis County Commissioners Court of the commission's failure to convene for six months. The city clerk shall make a recommendation to the Austin City Council on whether to continue the commission within 60 days of receiving notice under this subsection. The County Executive HHS shall make a recommendation to the Travis County Commissioners Court on whether to continue the commission within 60 days of receiving notice under this subsection. The commission shall not be dissolved unless both the Austin City Council and the Travis County Commissioners Court vote to dissolve it.

## **16 ANNUAL INTERNAL REVIEW AND REVIEW REPORT.**

- 16.1 Each calendar year, the commission chair must conduct an internal review of the commission and prepare an internal review report using the template provided by the staff liaison. The internal review report must be filed with APH & Travis County HHS by March 31 of each year.
- 16.2 The report must include the following:
- 16.2.1 a statement of the commission's mission and a description of the commission's actions in furtherance of that mission during the previous calendar year; and
- 16.2.2 the commission's goals and objectives for the new calendar year.

## **17 DISSOLUTION.**

- 17.1 The Austin City Council and Travis County Commissioners Court may vote to dissolve the commission at any time.
- 17.2 If abolished by the Austin City Council and the Travis County Commissioners Court, the commission may continue in existence for a period not more than 30 days after the effective date of the last action to dissolve, for the limited purpose of making recommendations to the City Council and Commissioners Court on the conclusion of matters pending before the commission.

## **18 RULES OF ORDER.**

- 18.1 Each person and commission member attending a commission meeting should observe decorum. A person or commission member should not speak out of turn, use disparaging or abusive language, or

make threats of violence against any other person during a commission meeting.

18.2 The presiding officer:

18.2.1 should maintain order;

18.2.2 should exercise the officer's authority impartially; and

18.2.3 may shorten a person's speaking time or ban a person from speaking for the duration of a meeting only for a violation of decorum set out in this section.