Proposed Charter Amendments previously approved by Council

This packet contains previously approved ballot propositions as well as summaries of City staff and 2024 Charter Review Commission charter amendment proposals. **Council may choose to approve any of the amendments below for the November 2026 special election to amend the charter and may propose other amendments not listed here.**

Additional non-substantive corrections of typographical errors, punctuation, and sentence structure have been made. Further amendments are proposed to remove language that is moot or unenforceable because it has been superseded by state law or by a final court order.

- 1 - Shall the City Charter be amended to clarify that the Independent Citizens Redistricting Commission (ICRC) is independent of City Council control, allow the ICRC to review City districts after changes to the City's boundary lines, provide an effective date for the redistricting plan adopted by the ICRC, increase the number of individuals in the pool of potential appointees to the ICRC, clarify the method and timing of filling vacancies on the ICRC, and allow City staff to communicate with the ICRC outside of a meeting as long as such communication is in compliance with the Texas Open Meetings Act?

Redistricting (Article II, § 3) (Staff Amendment)

Independence & Timing (Article II, § 3(A)(B) & (G))

An addition was made to the definitions section Article II, § 3(A)(8) to clarify what is meant by the word "independent" in the context of the work the Independent Citizens Redistricting Commission (ICRC or commission). While the ICRC are independent from the council, this does not limit the commission's ability to rely on city staff and other city resources. In addition, commissioners must comply with city ethics rules and other regulations, such as the Texas Open Meetings Act (TOMA).

Further clarification was added to Article II, § 3(B) to include an additional exception to the prohibition on drawing district lines at any time other than the year following the national decennial census. In addition to redrawing district lines because of a judicial ruling invalidating the existing district map, or if the city election date is moved, the staff proposes adding an exception to allow the commission to redraw districts, if necessary, due to annexation or disannexation.

Article II, § 3(G) of the Charter does not include deadlines for the certification and effective date of the ICRC's final plan describing district boundaries for each of the City of Austin's council districts. City staff proposes a revision giving the ICRC 30 days after the final plan's adoption for the commission to certify the final plan to the city council. Staff recommends an effective date that is the same as the certification date. Including effective date language will allow the public and council to have clarity on the most accurate constituent information.

ICRC Selection & Vacancies (Article II, § 3(I-K))

The staff recommends updates to the commission selection process addressed in Article II, § 3(I). Currently, the Charter allows the applicant review panel to select a pool of 60 applicants from among qualified applicants for the ICRC. City staff recommend increasing the number to an applicant pool of 75 qualified applicants. The increase will help ensure flexibility in the event of a vacancy or resignation while also increasing representation in the applicant pool for city council selection.

Regarding fulfillment of vacancies, whether by removal, resignation, or absence, the city staff proposes a distinct approach depending upon whether the vacancy occurs before or after the adoption of the final plan. As outlined in Article II, §3(J), if the vacancy occurs *before* the final plan is adopted, staff recommends the standard process already contemplated in the current draft of the Charter (i.e., the vacancy shall be filled within 15 days after the vacancy occurs). However, if the vacancy occurs *after* the adoption of the final map, a revised process is recommended whereby the vacancy is filled by the commission at the next regular or special called meeting after the vacancy occurs.

Article II, § 3(K) of the Charter currently prohibits commission members and staff from communicating or receiving information about redistricting matters from anyone outside of a public hearing. In the past, this has caused confusion regarding the commission staff's access to information and counsel. The proposed removal of this prohibition would allow commission members and staff to have access to resources and communications about redistricting matters. State and city open meeting requirements would still apply to ICRC members.

- 2 - Shall the City Charter be amended to delete language providing that the City Council shall meet at least once each week?

Meetings of the Council (Article II, § 12) (Staff Amendment)

The current Charter language states that council will meet weekly, however that is no longer consistent with current practice. City staff recommends removing this language to reflect that council meets based on the cadence prescribed by ordinance.

- 3 - Shall the City Charter be amended to delete language requiring the City Council to determine its rules and order of business by ordinance?

The Council currently determines its own rules and order of business through ordinances. The proposed amendment would allow Council to determine its own rules and order of business without the use of an ordinance. **(Staff Amendment)**

- 4 - Shall the City Charter be amended to clarify the meaning of the term "election" and to provide that the campaign contribution and expenditure limits shall be modified each year by January 1st instead of with the adoption of the budget?

§ 8(A) Limits on Contributions to Candidates (Staff Amendment)

The Charter's current draft states that the amount of the contribution limit will be modified each year with the adoption of the budget to increase or decrease in accordance with the most recently published federal government Bureau of Labor Statistics Indicator, Consumer Price Index U.S. City

Average. Because annual budget adoption occurs in August, city staff proposes changing this language to allow the contribution limits to be modified each year by January 1st or as otherwise provided in state law. This would allow for more accurate candidate education in the City Clerk's candidate brochures and ensure clarity for candidates and donors throughout the calendar year, avoiding mid-year shifts and confusion regarding the contribution limit.

- 5 - Shall the City Charter be amended to provide that initiative elections and petitioned charter amendment elections must be held on the next available November election date that occurs in an even-numbered year and that allows sufficient time to comply with other requirements of law?

An amendment providing that initiative elections and petitioned Charter amendment elections must be held on the next available November election date that occurs in an even-numbered year. **(Charter Review Commission Amendment)**

- 6 - Shall the City Charter be amended to provide that a petition for an election to recall a City Council Member other than the Mayor must contain valid signatures of at least 15% of the qualified voters of the respective Council district, instead of the current 10%, and to clarify that the affidavit on the recall petition must be signed by a petition circulator rather than by a person who signed the petition?

An amendment requiring recall elections of a City Council Member other than the Mayor contain valid signatures of at least 15% of the qualified voters of the respective Council district, instead of the current 10%, and clarifying that the affidavit on the recall petition must be signed by a petition circulator rather than by a person who signed the petition. **(Charter Review Commission Amendment)**

- 7 - Shall the City Charter be amended to provide that the City Council appoints and removes the City Attorney?

An amendment providing for the City Council to appoint and remove the City Attorney, instead of the City Manager. **(Charter Review Commission Amendment)**

- 8 - Shall the City Charter be amended so that the time frame for the automatic resignation provision for municipal court judges is the same as that provided in the Texas Constitution for other officials?

Municipal Court (Article VI, § 2) (Staff Amendment)

The Texas Constitution's "resign-to-run" provision[1] states that officers including county judges, justices of the peace, and county attorneys automatically resign their current office upon announcing candidacy or becoming a candidate for another office if they have an unexpired term

[1] TEX. CONST. ART. 16, § 65.

exceeding one year and 30 days. Article VI § 2 of the Charter states that municipal judges automatically resign upon becoming a candidate for another office if their unexpired term exceeds one year. This recommendation amends the Charter to one year and 30 days for consistency with the Texas Constitution.

- 9 - Shall the City Charter be amended to ensure that City financial practices are consistent with generally accepted accounting principles, reflect current practices for appropriations for department-level work programs?

Finance (Article VII) (Staff Amendment)

§ 3 Fiscal Year

The current Charter language states that current and delinquent revenues belong to the fiscal year in which it is collected, however this is inconsistent with the city's methods for the recognition of revenue based on generally accepted accounting principles (GAAP). Revenue is recognized based on the type of fund in question. For example, governmental funds, which include the General fund, are budgeted on a modified accrual basis and revenue is recognized as soon as it is measurable and available. The city considers revenue available if it is collected within 60 days of the end of the current fiscal period. The revision reflects a deletion of the language inconsistent with GAAP principles.

§ 7 Work Programs & Allotments

This section addresses department-level work programs, which include the requested appropriations by month for the fiscal year. Finance no longer requires departments to provide work programs with allotments for spending authorizations on a monthly basis. Instead, departments are given access to the full appropriation for the year to manage. Because this process is no longer utilized, city staff recommends removing this language. Under current practices, the city manager still has the opportunity to reconsider appropriations to departments and make revisions. As a result, the language reflecting this has been revised and moved to § 8 pertaining to appropriations.

- 10 - Shall the City Charter be amended to remove appointees and employees of the office of the City Auditor from the classified civil service?

Personnel (Article IX, § 1)

§ 1 Classified Civil Service (Staff Amendment)

City staff recommends removing appointees and employees of the City Auditor from the classified civil service outlined in Article IX § 1. This revision will add to the list of exceptions to the classified civil service to uphold the integrity of the auditing and investigative independence of the City Auditor.

- 11 - Shall the City Charter be amended to make non-substantive corrections of typographical errors, punctuation, and sentence structure, and to change or remove language that is moot or unenforceable because it has been superseded by state law or by a final court order?

Annexation (Article I, § 6 and § 7) (Staff Amendment)

References to landowner consent have been removed to remain consistent with HB 347, which revised the municipal annexation process. HB 347 became effective in May 2019 at the conclusion of the 86th Legislature.

Notice and hearing requirements for limited purpose annexations are also recommended to be removed given the controlling state law, addressing notice and hearing requirements for both limited and full purpose annexations.[2] The city will continue to follow such requirements to ensure that interested members of the public have the opportunity to be heard.

Special Elections for Council Vacancies (Article II, § 6) (Staff Amendment)

The current draft of the Charter states that a special election to fill a council vacancy should be held on the next available state uniform election date. Article XI, Section 11(c) of the Texas Constitution requires a special election to fill a municipal governing body's vacancy to be held within 120 days after the vacancy occurs. City staff recommends revising language regarding the process for filling council vacancies by referring to state law, which puts in place the 120-day limit.

Elections (Article III)

§ 4. Filing of Candidates (Staff Amendment)

The Charter sets out that candidates for election to a place on the council shall file a ballot application 45 days prior to the election day with the city clerk. Section 143.007(c) of the Texas Election Code has deadlines for filing for a place on the ballot,[3] and the revision points to the statute for the appropriate deadlines for the City Clerk's office to follow and provide guidance to candidates.

Further, in accordance with section 143.005(c) of the Texas Election Code, staff proposes revising the Charter to include the alternative to paying the filing fee — a petition in lieu of filing fee — an option the city currently offers to candidates.

§ 8(F) Restrictions on Candidate Fundraising (Staff Amendment 11)

References to time restrictions for general elections as well as disgorgement language regarding distribution of campaign balances are being removed to comply with the 5th Circuit Ruling in *Zimmerman v. City of Austin*, 881 F.3d 378 (5th Cir. 2018).

§ 5 Employees' Retirement System (Staff Amendment)

[2] Local Gov't Code §§ 43.063, 43.0673, 43.0683, 43.0693
[3] The day of the filing deadline is the 78th day before election date for an election to be held on a uniform election date.

The suggested changes to the employee retirement system section simplify the existing language by referring to controlling state law. These statutes establish municipal, police, and firefighter retirement systems as well as the methodology for their administration.[4]

- 12 – Shall the City Charter be amended to remove the restriction that officeholders must wait until after leaving office in order to solicit and accept political contributions to pay unpaid campaign expenses or to reimburse campaign expenditures made from personal funds and to impose contribution limits on such officeholders?

Officeholder Accounts (Council-Initiated Amendment)

Council approved adding to the ballot an amendment removing the restriction that officeholders must wait until after leaving office to solicit and accept political contributions to pay unpaid campaign expenses or to reimburse campaign expenditures made from personal funds and imposing contribution limits on such officeholders.

[4] VERN. ANN CIV. STAT. §§ 6242, 6243.