

ORDINANCE NO.

AN ORDINANCE AMENDING CITY CODE CHAPTER 2-1 (*CITY BOARDS*) TO CLARIFY BOARD MEMBER AND WORKING GROUP DEFINITIONS AND TO REVISE PROVISIONS RELATING TO WAIVER, SERVICE, ELIGIBILITY, TERM, TRAINING, HOLDOVER, REMOVAL, QUALIFICATION, OFFICER ELECTION, AUTHORITY TO SPEAK ON BEHALF OF A BOARD, AGENDA APPROVAL, AND COMMUNICATION METHODS IN ORDER TO REFLECT CURRENT AND BEST PRACTICES; AND TO ADD A RESIDENCY REQUIREMENT FOR THE ANIMAL ADVISORY COMMISSION.

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

PART 1. Subsections (B) and (F) of City Code Section 2-1-2 (*Definitions*) are amended to read:

(B) BOARD MEMBER includes an alternate member but does not include an ex-officio member.

(F) WORKING GROUP means a body of board members established by a vote of the board, consisting of less than a quorum of the board, to which the board delegates a defined matter, or matters, for consideration and recommendation to the board. A working group is automatically dissolved after it reports its recommendations on the defined matter or matters to the board. A board may appoint a non-member or non-members to serve on a working group but may not form a joint working group with another board or commission without prior Council approval.

PART 2. City Code Section 2-1-5 (*Composition and Membership Qualifications*) is amended to read:

Except as otherwise required by federal or state law, the City Charter, or this chapter, the board composition and membership qualifications contained in this chapter are directory and not mandatory. An ordinance is required to change or waive provisions of this Chapter, except as provided by Section 2-1-27.

PART 3. Subsection (E) of City Code Section 2-1-6 (*Quorum and Action*) is amended to read:

- 37 (E) An ex officio member of a board that is subject to the requirements of this
38 chapter may participate at board meetings, but may not vote, [Ø] bring a
39 motion, or serve as an officer in a designated position of a board except the
40 position of parliamentarian, and does not count towards calculation of a
41 quorum or any other minimum vote count required by city code or state law.
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43 **PART 4.** City Code Section 2-1-21 (*Eligibility Requirements and Removal*) is amended
44 to read:
45

- 46 (C) A person must be a resident of the City to be eligible for appointment to a
47 City board, unless an exception to the residency requirement is created by
48 federal or state law, the City Charter, a City ordinance, or other council
49 action. A board member who was required to be a resident of the City or of
50 a particular area or neighborhood of the City when appointed and who
51 moves his primary residence outside of the City limits or who was not a
52 resident of the City or that area or neighborhood when appointed vacates
53 his position on the date he moves his residence or is determined by the city
54 clerk not to live in the area or neighborhood, subject to the hold over
55 provision in Section 2-1-27 (Vacancy and Hold Over Capacity).
56
57 (D) A board member whose years of service exceed the limitation prescribed
58 by Section 2-1-22 (Membership Term and Limitation) is not eligible for
59 reappointment, except as provided by that section.
60
61 (L) City employees may only serve on advisory boards, not [~~sovereign boards~~]
62 on boards subject to Subsection (G) of Section 2-1-24 (Conflict of Interest
63 and Recusal)[~~or quasi-judicial bodies of the City~~].
64
65 (N) A City employee nominated to serve as a member of a City board must have
66 written permission from their director in order to be appointed. An
67 individual who serves on a city board or commission and is subsequently
68 hired by the City must either resign from the board or seek written approval
69 from their director to remain on the board once hired and prior to attending
70 the next meeting of the board.
71

72 **PART 5.** Section 2-1-22 (*Membership Term and Limitation*) is amended to read:

(A) Except as otherwise provided in this chapter, the city charter, or state or federal law, a[A] board member is appointed for a term of up to four years beginning March 1st.

(1) [F]the tenure of a board member appointed to a term of up to four-years runs concurrently with the tenure of the city council member who appoints the member, including when the city council member resigns or otherwise vacates their office prior to the expiration of their term.

([B]2)[Except as provided in Subsection (C),] a board member may serve no longer than [eight consecutive years] two consecutive four-year terms on the same board. Service before July 31, 2015, is excluded in determining the number of years served.

([C]3) [A]a board member who has served [eight years]two consecutive four-year terms on the same board is not eligible for reappointment to that board until the expiration of two years after the last date of the member's service on that board.

(4) an individual who was appointed to fill a vacant position on a board that has four-year terms and who serves more than two years of that term is considered to have served a full four-year term for purposes of this section.

(B) Certain boards and commissions have members who serve two-year or three-year terms, as provided by this chapter, city code, or state or federal law.

(1) a board member may serve no longer than four consecutive two-year terms or three consecutive three-year terms on the same board. Service before July 31, 2015, is excluded in determining the number of years served.

(2) a board member who has served four consecutive two-year terms or three consecutive three-year terms on the same board is not eligible for reappointment to that board until the expiration of two years after the last date of the member's service on that board.

(3) an individual who was appointed to fill a vacant position on a board that has two-year terms and who has served more than one year of that term is considered to have served a full two-year term for purposes of this section.

(4) an individual who was appointed to fill a vacant position on a board that has three-year terms and who has served more than two years of that term is considered to have served a full three-year term for purposes of this section.

(C) The term limits in this section do not apply to ex-officio members of boards or to members nominated or appointed by entities other than city council.

PART 6. Subsection (A) of City Code Section 2-1-23 (*Training*) is amended to read:

(A) A board member must comply with the training requirements of this section at the start of each term to which they are appointed to serve and whenever otherwise instructed by the city clerk in order to maintain eligibility to serve on the board. Except as provided by Subsection (C), a board member who does not comply with the training requirements automatically vacates the board member's position, subject to the hold over provision in Section 2-1-27 (*Vacancy and Hold Over Capacity*).

PART 7. Subsection (D) of City Code Section 2-1-24 (*Conflict of Interest and Recusal*) is amended and new Subsection (G) is added to read:

(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 upon or before virtually joining the meeting; other delivery methods of the form, including an email from the member stating that the member has no conflict of interest or indicating the number of an agenda item for which the member has a conflict, are acceptable as long as the staff liaison has the ~~[signed-]~~form by the time the board member joins ~~[start of]~~the meeting.

(G) The city clerk shall maintain a list of boards and commissions that are in the following categories:

(1) boards that exercise responsibilities beyond those that are advisory in nature and whose members must comply with the substantial interest disclosure required by Local Government Code Chapter 171.

(2) boards that exercise discretion in the planning, recommending, selecting, or contracting of a vendor and whose members must comply with the conflicts disclosure required by Local Government Code Chapter 176.

(3) boards to which council has delegated one of its governmental powers, which is exercised by the board for the benefit of the public largely independent of the control of others, and whose members are subject to the hold over provisions of Texas Constitution Article XVI, Section 17.

PART 8. Subsection (A) of City Code Section 2-1-25 (*Public Financial Statements*) is amended to read:

- (A) A board member who does not file a public financial statement required by Section 2-7-72 (*Reports*) becomes ineligible to continue to serve and automatically vacates the member's position, subject to the hold over provision in Section 2-1-27 (*Vacancy and Hold Over Capacity*) and subject to removal procedures required by state or federal law.

PART 9. City Code Section 2-1-27 (*Vacancy and Hold Over Capacity*) is amended to read:

- (A) A board member whose term has expired continues to serve in a hold-over capacity until the earlier of the date a successor is ~~[appointed]~~eligible to [fill]begin service in the position as provided by Subsection 2-1-21(F), or the 60th day after the term expiration date.
- (B) A board member who automatically vacates his position under Section 2-1-23 (*Training*) or Section 2-1-25 (*Public Financial Statements*):
- (1) may maintain eligibility if, not later than the 30th day after the expiration of the applicable deadline, the member completes the eligibility requirement; and
- (2) continues to serve in a hold-over capacity until the earlier of the date a successor is ~~[appointed]~~ eligible to [fill]begin service in the position as provided by Subsection 2-1-21(F), or the 60th day after the expiration of the applicable deadline.
- (C) A board member who vacates his position under Subsection 2-1-21(B) (*Eligibility Requirements and Removal*) continues to serve in a hold-over

capacity until the earlier of the date a successor is ~~[appointed]~~eligible to
~~[fill]~~begin service in the position as provided by Subsection 2-1-21(F), or
the 60th day after the city clerk notifies the nominating council member
that the board member's residency creates an automatic vacancy that
requires a new appointment.

- (D) A board member who vacates his position under Section 2-1-
26 (*Attendance Requirements and Automatic Vacation*) continues to serve
in a hold-over capacity until the earlier of the date a successor is
~~[appointed]~~eligible to ~~[fill]~~begin service in the position as provided by
Subsection 2-1-21(F), or the 60th day after the date the city clerk notifies
the nominating council member that the board member's attendance record
creates an automatic vacancy that requires a new appointment.
- (E) The council may waive the eligibility requirements in Subsections (B), (D),
and (H) of Section 2-1-21 (*Eligibility Requirements and Removal*), the term
limits established in Section 2-1-22 (*Membership Term and Limitation*),
the deadlines established in Sections 2-1-23 (*Training*) and 2-1-25 (*Public*
Financial Statements), the residency requirement established in
Subsection 2-1-21(B) (*Eligibility Requirements and Removal*), and the
attendance requirement established by 2-1-26 (*Attendance Requirements*
and Automatic Vacation) by voice vote of the council without the need for
an amending ordinance.

PART 10. Subsection (B) of City Code Section 2-1-41(*Board Authority and Action*) is
amended to read:

- (B) An individual board member may not act in an official capacity or speak on
behalf of the board except through the action of a majority of the board in
which the board identifies who is authorized to speak and identifies the
actions the individual board member is authorized to take or topics on
which the individual board member is entitled to speak.

PART 11. Subsection (A) of City Code Section 2-1-42 (*Officers and Committees*) is
amended to read:

- (A) Each board shall annually select from its membership a chair and any
additional officers that the board finds appropriate, except as provided by
Section 2-1-6(E); officers shall be elected to serve a one-year term,
beginning May 1 of the year of appointment, and any individual elected to

fill a mid-term vacancy shall serve for the remainder of that term; if they serve for more than six months of an unexpired term, they are considered to have served a full term for purposes of Subsection 2-1-42(B).

PART 12. City Code Section 2-1-43 (*Meeting Requirements*) is amended to read:

- (A) Unless otherwise provided in this chapter, each board shall meet not less often than quarterly. A board shall annually approve a regular meeting schedule and file the schedule with the ~~[Office of the C]~~city ~~[C]~~clerk. A ~~[B]~~board may not call a meeting in addition to its regularly scheduled meetings, as identified in its adopted meeting schedule and bylaws, more often than once a quarter, unless the unscheduled meeting is required to comply with a statutory deadline or a deadline established by Council. A board shall not schedule a meeting on a uniform election date.
- (B) Each board shall comply with Government Code Chapter 551 (Open Meetings Act), including the requirement that when meeting virtually, at a minimum, the member of the governmental body presiding over the meeting must be physically present at one location of the meeting that is open to the public during the open portions of the meeting.
- (H) After first consulting with and receiving input from the staff liaison, the board chair shall approve each final meeting agenda prior to posting, except that posting language may be adjusted in order to ensure compliance with Government Code Chapter 551 (Open Meetings Act). Two or more board members may place an item on the agenda by oral or written request to the staff liaison at least five business days before the meeting.

PART 13. Subsection (E) of City Code Section 2-1-44 (*Meeting Procedures*) is repealed.

PART 14. Subsection (C) of City Code Section 2-1-49 (*Communications Using Electronic Devices*) is amended to read:

- (C) Except as provided in this subsection, a City board member shall use the City e-mail account provided by the city clerk under Subsection (B) for all electronic communications related to the member's service as a board

member; all board related communications to and from a board member must be sent using the member's official City e-mail account.

PART 15. Subsection (C) of Section 2-1-102 (*Animal Advisory Commission*) is amended to read:

(C) A member of the commission ~~[need not]~~must be a city resident or a resident of Travis County.

PART 16. This ordinance takes effect on_____, 2025.

PASSED AND APPROVED

_____, 2025

Kirk Watson
Mayor

APPROVED: _____ **ATTEST:** _____

Deborah Thomas Myrna Rios
Interim City Attorney City Clerk

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Interim City Attorney

Myrna Rios
City Clerk