

**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:

(E) 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

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:

- 73 (A) Except as otherwise provided in this chapter, the city charter, or state or  
74 federal law, a[A] board member is appointed for a term of up to four years  
75 beginning March 1st.  
76

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

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

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

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

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

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

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

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

107 (4) an individual who was appointed to fill a vacant position on a board  
108 that has three-year terms and who has served more than two years of that  
109 term is considered to have served a full three-year term for purposes of this  
110 section.  
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113           (C) The term limits in this section do not apply to ex-officio members of  
114           boards or to members nominated or appointed by entities other than city  
115           council.

116  
117 **PART 6.** Subsection (A) of City Code Section 2-1-23 (*Training*) is amended to read:

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

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

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130           (D) For purposes of the requirements of Subsections (B) and (C), a board  
131           member who is participating virtually via videoconference may submit a  
132           signed and scanned version of the attendance sheet, or other document  
133           prescribed for that purpose by the city clerk, via email to the staff liaison  
134           upon or before virtually joining the meeting; other delivery methods of the  
135           form, including an email from the member stating that the member has no  
136           conflict of interest or indicating the number of an agenda item for which  
137           the member has a conflict, are acceptable as long as the staff liaison has the  
138           ~~signed~~ form by the time the board member joins ~~start of~~ the meeting.

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

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

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

147           (3) boards to which council has delegated one of its governmental powers,  
148           which is exercised by the board for the benefit of the public largely

149 independent of the control of others, and whose members are subject to the  
150 hold over provisions of Texas Constitution Article XVI, Section 17.

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

- 154  
155 (A) A board member who does not file a public financial statement required  
156 by Section 2-7-72 (Reports) becomes ineligible to continue to serve and  
157 automatically vacates the member's position, subject to the hold over  
158 provision in Section 2-1-27 (Vacancy and Hold Over Capacity) and subject  
159 to removal procedures required by state or federal law.

160  
161 **PART 9.** City Code Section 2-1-27 (*Vacancy and Hold Over Capacity*) is amended to  
162 read:

- 163 (A) A board member whose term has expired continues to serve in a hold-over  
164 capacity until the earlier of the date a successor is ~~[appointed]~~ eligible to  
165 ~~[fill]~~ begin service in the position as provided by Subsection 2-1-21(F), or  
166 the 60th day after the term expiration date.
- 167 (B) A board member who automatically vacates his position under Section 2-1-  
168 23 (*Training*) or Section 2-1-25 (*Public Financial Statements*):
- 169 (1) may maintain eligibility if, not later than the 30th day after the  
170 expiration of the applicable deadline, the member completes the  
171 eligibility requirement; and
- 172 (2) continues to serve in a hold-over capacity until the earlier of the date a  
173 successor is ~~[appointed]~~ eligible to ~~[fill]~~ begin service in the position as  
174 provided by Subsection 2-1-21(F), or the 60th day after the expiration of  
175 the applicable deadline.
- 176 (C) A board member who vacates his position under Subsection 2-1-21(B)  
177 (*Eligibility Requirements and Removal*) continues to serve in a hold-over  
178 capacity until the earlier of the date a successor is ~~[appointed]~~ eligible to  
179 ~~[fill]~~ begin service in the position as provided by Subsection 2-1-21(F), or  
180 the 60th day after the city clerk notifies the nominating council member  
181 that the board member's residency creates an automatic vacancy that  
182 requires a new appointment.
- 183 (D) A board member who vacates his position under Section 2-1-  
184 26 (*Attendance Requirements and Automatic Vacation*) continues to serve

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

- 190 (E) The council may waive the eligibility requirements in Subsections (B), (D),  
191 and (H) of Section 2-1-21 (*Eligibility Requirements and Removal*), the term  
192 limits established in Section 2-1-22 (*Membership Term and Limitation*),  
193 the deadlines established in Sections 2-1-23 (*Training*) and 2-1-25 (*Public*  
194 *Financial Statements*), the residency requirement established in  
195 Subsection 2-1-21(B) (*Eligibility Requirements and Removal*), and the  
196 attendance requirement established by 2-1-26 (*Attendance Requirements*  
197 *and Automatic Vacation*) by voice vote of the council without the need for  
198 an amending ordinance.

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

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

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

- 209  
210 (A) Each board shall annually select from its membership a chair and any  
211 additional officers that the board finds appropriate, except as provided by  
212 Section 2-1-6(E); officers shall be elected to serve a one-year term,  
213 beginning May 1 of the year of appointment, and any individual elected to  
214 fill a mid-term vacancy shall serve for the remainder of that term; if they  
215 serve for more than six months of an unexpired term, they are considered to  
216 have served a full term for purposes of Subsection 2-1-42(B).

217  
218 **PART 12.** City Code Section 2-1-43 (*Meeting Requirements*) is amended to read:  
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- 220 (A) Unless otherwise provided in this chapter, each board shall meet not less  
221 often than quarterly. A board shall annually approve a regular meeting  
222 schedule and file the schedule with the ~~[Office of the C]~~city ~~[C]~~clerk. A  
223 ~~[B]~~board may not call a meeting in addition to its regularly scheduled

224 meetings, as identified in its adopted meeting schedule and bylaws, more  
225 often than once a quarter, unless the unscheduled meeting is required to  
226 comply with a statutory deadline or a deadline established by Council. A  
227 board shall not schedule a meeting on a uniform election date.

228  
229 (B) Each board shall comply with Government Code Chapter 551 (Open  
230 Meetings Act), including the requirement that when meeting virtually, at a  
231 minimum, the member of the governmental body presiding over the meeting  
232 must be physically present at one location of the meeting that is open to the  
233 public during the open portions of the meeting.

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235 (H) [~~After first consulting with and receiving input from the staff liaison, the~~  
236 ~~board chair shall approve each final meeting agenda prior to posting.] To  
237 assist the board in compliance with Government Code Chapter 551 (Open  
238 Meetings Act), the liaison will receive input and approval of the draft agenda  
239 from the board chair. The liaison will then process and post the final agenda.  
240 Two or more board members may place an item on the agenda by oral or  
241 written request to the staff liaison at least five business days before the  
242 meeting.~~

243  
244 **PART 13.** Subsection (E) of City Code Section 2-1-44 (*Meeting Procedures*) is  
245 repealed.

246  
247 **PART 14.** Subsection (C) of City Code Section 2-1-49 (*Communications Using*  
248 *Electronic Devices*) is amended to read:

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250 (C) Except as provided in this subsection, a City board member shall use the  
251 City e-mail account provided by the city clerk under Subsection (B) for all  
252 electronic communications related to the member's service as a board  
253 member; all board related communications to and from a board member  
254 must be sent using the member's official City e-mail account.  
255  
256

**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      §  
\_\_\_\_\_, 2025      §  
\_\_\_\_\_, 2025      §  
\_\_\_\_\_  
Kirk Watson  
Mayor

**APPROVED:** \_\_\_\_\_ **ATTEST:** \_\_\_\_\_  
Deborah Thomas    Myrna Rios  
Interim City Attorney    City Clerk