

ORDINANCE NO. ~~20240926-112~~

AN ORDINANCE REPEALING AND REPLACING ORDINANCE NO. ~~20240718-07020240926-112~~ AND REVISING THE RULES AND PROCEDURES FOR CITY COUNCIL MEETINGS AND WORK SESSIONS TO ESTABLISH RULES OF ORDER, PROCESSES FOR POSTING AGENDAS, AND PROCEDURES FOR SPEAKER REGISTRATION.

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

PART 1. Ordinance No. ~~20240718-07020240926-112~~ is hereby repealed.

PART 2. FINDINGS:

- (A) Democracy is best served by participation of people in their government.
- (B) Council has the dual goals of conducting government business in an orderly and efficient manner and providing the opportunity for members of the public to voice their opinions on matters of public concern.
- (C) The Texas Open Meetings Act provides that a governmental body shall allow each member of the public to address the body regarding an item on the agenda before or during the body's consideration of the item; the body may adopt reasonable rules regarding the public addressing the body, including rules that limit the total amount of time that a member of the public may address the body on a given item.
- (D) The fair and impartial administration of these Rules and Procedures will assist council in finding the appropriate balance between maximizing public participation and ensuring the efficient conduct of the people's business.

PART 3. RULES OF ORDER.

- (A) Except in the case of a conflict with these procedures, the City Code, the City Charter, or state law, council meetings should be conducted under Robert's Rules of Order.
- (B) Each person and council member attending a council meeting will observe decorum. A person or council member may not:
 - (1) speak out of turn;
 - (2) make threats of violence against another person;
 - (3) defame another person;

- (4) incite lawless action or provoke another person to fight;
 - (5) block or obstruct ingress and egress of the meeting room or any aisle or seat in the meeting room; or
 - (6) block or obstruct the view of any person attending the meeting.
- (C) The presiding officer:
- (1) will maintain order;
 - (2) will exercise the officer's authority impartially;
 - (3) will provide a warning to any person the presiding officer determines is in violation of these rules;
 - (4) may, after a warning, shorten or end a member of the public's speaking time; and
 - (5) may have a member of the public removed from the meeting room in order to restore and maintain decorum.
- (D) The presiding officer may rule out of order any council member breaching decorum. A council member ruled out of order may call for a vote of the council to sustain or overrule the presiding officer.

PART 4. COUNCIL MEETINGS.

- (A) Council meetings may be designated as either:
- (1) A regular meeting ordered by Article II, Section 12 of the city charter and a schedule adopted by the council, or
 - (2) A special meeting as may be ordered in accordance with the Article II, Section 12 of the city charter.
- (B) Regular and special meetings do not include meetings primarily focused on the adoption of the city's budget and related items for the upcoming fiscal year. Although referred to as "budget meetings" in these rules, these budget-focused meetings may include items for council discussion and action that are not solely related to the budget.
- (C) The council shall conduct regular and budget meetings to discuss, consider, and possibly take action on city business in compliance with a meeting schedule adopted by council no later than the final meeting of each calendar

year. Council may amend the meeting schedule at any time after its adoption.

- (D) The presiding officer will call the meeting to order no earlier than the time posted on the agenda. The council may meet in executive session after the meeting is convened.
- (E) An item or hearing set for council to consider at a time certain may not be considered or heard before the time indicated, but the item may be considered or heard at a later time.
- (F) The council will conduct general public communication during regular meetings as described in Part 9 at 12:00 p.m. or as close to 12:00 p.m. as possible.
- (G) The presiding officer will adjourn a council meeting no later than 10:00 p.m. However, if council is considering an agenda item at 10:00 p.m., council may proceed with consideration of the item. At the conclusion of the item, council may vote to continue the meeting. The presiding officer may recess a meeting that continues past 12:00 a.m. and reconvene the meeting at a time certain during the same day.
- (H) Not more than two briefings may be placed on a council meeting agenda.
- (I) The Mayor may cancel a meeting without the necessity of amending the schedule adopted in subpart (A) above.

PART 5. SETTING THE AGENDA FOR COUNCIL MEETINGS.

- (A) The city manager shall compile ~~the a public draft~~ agenda and a final agenda for each council meeting. Each draft agenda item and final agenda item must be accompanied by back-up material as needed to provide the council with a full explanation of the item.
- (B) The city manager may provide electronic mail notification of the posting of the agenda to any person who requests notification by the established electronic notification system.
- (C) Four council members may place an item on the council's agenda:
 - (1) The council members should submit items for inclusion on ~~an~~the draft agenda ~~not no~~ later than 12:00 p.m. on the second business day before the ~~council-draft~~ agenda is posted.

- (2) If an item is submitted later than the time prescribed by this section, a sponsor of the item should certify that the item is time sensitive because it is immediately critical to the interests of the city.
- (3) An item submitted for inclusion on the draft agenda should include posting language and a resolution, ordinance, agreement, city board report, written and oral public testimony, and other supplemental information.

(D) The city manager shall publish the draft agenda for regular meetings ~~no less than~~ at least 13 days prior to the meeting.

(E) The city manager shall publish the final agenda along with a public memorandum identifying those items on the draft agenda that will be withdrawn for consideration and those public hearing items that will be postponed for consideration. the agenda for special meetings and budget meeting as soon as reasonably practicable. All final agendas shall be published in accordance with state law requirements.

(F) ~~(D)~~ Any item appearing on the final agenda may be withdrawn or postponed by announcement of the presiding officer after the meeting has been called to order.

PART 6. CONSENT AGENDA DURING COUNCIL MEETINGS.

- (A) The council may adopt items by consent of the council without a separate vote on each item, as the consent agenda.
- (B) The council may not adopt by consent an item:
 - (1) subject to a public hearing;
 - (2) posted on the agenda for consideration at a specific time;
 - (3) that a council member requests be pulled from the agenda for discussion; or
 - (4) that a standing committee of the council voted to refer to council.

PART 7. PUBLIC PARTICIPATION AT COUNCIL MEETINGS AND WORK SESSIONS.

- (A) The right of a person to speak to the council, as regulated by these procedures, the City Code, the City Charter, and state or federal law, may not be abridged.

- (B) Prior to or at the start of each meeting or work session, the presiding officer shall announce the amount of time allocated to speakers per item, but at no time will the speaking time be reduced to less than two minutes per agenda item.
- (C) A person who is physically present in the meeting or work session and who has registered to speak in accordance with Part 8 or Part 12 of this ordinance may donate speaking time on an agenda item to another in-person speaker.
- (D) A speaker may not use the donated time of more than two other in-person registered speakers on an agenda item or at a public hearing.
- (E) If an item is being considered for postponement, a person registered to speak on the item may only discuss the merits of the postponement.

PART 8. SPEAKER REGISTRATION ON AGENDA ITEMS FOR COUNCIL MEETINGS.

- (A) A person who intends to speak at a council meeting on an agenda item other than an executive session item or at a public hearing shall register in one of two ways:
 - (1) Remote and In-Person Speakers: A person may register via the online form on the City's website at any time after 10:00 a.m. on the Monday preceding the council meeting until 12:00 p.m. the Wednesday preceding the council meeting.
 - (2) In-Person Speakers only: A person may register via the City Hall kiosks during business hours, starting shortly after 12:00 p.m. on the Wednesday preceding a council meeting, and until 45 minutes before the meeting is scheduled to begin.
- (B) A person not wishing to speak may register as for, neutral, or against a specific item.

PART 9. GENERAL PUBLIC COMMUNICATION ON NON-AGENDA ITEMS DURING REGULAR COUNCIL MEETINGS.

- (A) This Part 9 applies only to regular council meetings.
- (B) As close to 12:00 p.m. as possible during a regular council meeting, a maximum of 10 people may address the council on items not listed on the agenda. This time will be designated on the council's agenda as "General Public Communication."

- (C) An individual who signs up to speak during general public communication will have three minutes to speak to council and must be physically present or participating via telephone in order to speak. Donation of time is not allowed for general public communication on non-agenda items.
- (D) A person who intends to speak during general public communication must register between 9:00 a.m. on the 21st day before the council meeting at which the person intends to speak and 4:30 p.m. on the 14th day before the council meeting at which the person intends to speak, via the online form on the City's website, by telephone, or in person.
- (E) The city clerk will not accept more than 10 registrations for general public communication. The city clerk may not register a person to speak at general public communication more frequently than once out of every three regularly scheduled council meetings.

PART 10. WORK SESSION MEETINGS.

- (A) A work session may be held each Tuesday of a week in which a regular meeting is scheduled.
- (B) The presiding officer will call the work session meeting to order no earlier than the time posted on the agenda. The council may meet in executive session after the work session is convened.
- (C) The council may not vote on a work session agenda item that is also on the regular meeting agenda.
- (D) The Mayor may cancel a work session meeting without the necessity of amending the schedule adopted in Part 4 above.

PART 11. WORK SESSION MEETING AGENDAS.

- (A) The work session agenda will include only the following items:
 - (1) Review of regular meeting agenda items that are designated by council as follows:
 - (a) Preselected council items. A preselected council item is an item from the regular meeting agenda that the Mayor or a council member has selected for discussion and for which staff input is requested. Staff members will be present for the discussion.
 - ~~(b) Council discussion items. A council discussion item is an item from the regular meeting agenda that the Mayor or a council~~

~~member identifies as an item solely for discussion among the Mayor and council members.~~

~~(c)~~(b) The Mayor or a council member will submit preselected council items ~~and council discussion items~~ to the agenda office no later than 12:00 p.m. on the ~~Friday~~ Wednesday before the work session.

- (2) Council Items of Interest. A council item of interest is an item that is not on the regular meeting agenda.
 - (a) A council item of interest may be placed on the work session agenda by the Mayor or a council member.
 - (b) The Mayor or a council member will submit a council item of interest to the agenda office no later than 12:00 p.m. on the ~~Friday~~ Wednesday before the work session.
- (3) Staff Briefings. The city manager may present a staff briefing to update the council on staff's work.
 - (a) The Mayor or a council member may request that a person or entity having information relevant to council provide a briefing to council.
 - (b) No more than ~~three~~ two briefings will be scheduled during a work session.
- (B) The work session agenda will include a statement that council will not discuss any item from the regular meeting agenda that has not been identified as an item for discussion during the work session.

PART 12. SPEAKER REGISTRATION ON AGENDA ITEMS FOR WORK SESSION MEETINGS.

- (A) A person who intends to speak on a work session agenda item other than an executive session item shall register in one of two ways:
 - (1) Remote and In-Person Speakers: A person may register via the online form on the City's website at any time after 5:00 p.m. on the Friday preceding the work session meeting until 12:00 p.m. on the Monday preceding the work session meeting.

- (2) In-Person Speakers only: A person may register via the City Hall kiosks during business hours, starting shortly after 12:00 p.m. on the Monday preceding the work session meeting, and until 45 minutes before the work session meeting is scheduled to begin.
- (B) A person not wishing to speak may register as for, neutral or against a specific item.

PART 13. CONDUCT OF PUBLIC HEARINGS ON ZONING AND NEIGHBORHOOD PLAN AMENDMENTS.

- (A) Persons wishing to speak at a public hearing on a zoning and neighborhood plan amendment must register as indicated by Part 8 of this ordinance.
- (B) A public hearing should proceed as follows:
 - (1) presentation of a report by City staff;
 - (2) presentation by the applicant, for a hearing on an application, limited to five minutes;
 - (3) presentation by interested parties supporting the application or proposal subject to the time limitations indicated in Part 7;
 - (4) presentation by interested parties opposing the application or proposal subject to the time limitations indicated in Part 7; and
 - (5) rebuttal by the applicant, for a hearing on an application, of up to three minutes.
- (C) A council member may ask questions of a person at any time during the hearing.

PART 14. CONDUCT OF PUBLIC HEARINGS ON AN APPEAL.

- (A) Before opening a hearing on an appeal, the council should decide preliminary issues raised by the parties, including whether to postpone or continue the hearing and whether the appellant has standing to appeal.
- (B) A public hearing on an appeal shall proceed in the following order:
 - (1) a report from City staff;
 - (2) a presentation by the appellant, limited to five minutes;

- (3) comment by persons supporting the appeal subject to the time limitations prescribed in Part 7;
- (4) comment by persons opposing the appeal subject to the time limitations prescribed in Part 7; and
- (5) a rebuttal by the appellant, of up to three minutes.

PART 15. The provisions of this ordinance are severable. If any provision of this ordinance or its applications to any person or circumstances is held invalid, the invalidity does not affect other provisions or applications of this ordinance.

PART 16. This ordinance takes effect on ~~October 7, 2024~~ August 4, 2025.

PASSED AND APPROVED

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§
_____, 20254 §
September 26July 24

Kirk Watson
Mayor

APPROVED: _____
Deborah Thomas
~~Interim~~ City Attorney

ATTEST: _____
~~Myrna Rios~~ Erika Brady
City Clerk