

January 16, 2013

Office of the City of Austin Auditor
City Auditor Kenneth Mory
301 W. 2nd Street, Suite 2130
Austin, TX 78701

Re: Austin Community for Change comments to the Auditor's Draft Interpretative Guidelines

Dear City Auditor Mory:

Austin Community for Change (AC4C for short) submits the following comments for your consideration. Our group, which is comprised of a broad coalition of citizens including Charter Revision Committee members, supported Proposition 4 in the November 2012 election. Prop 4 was approved by Austin voters but was not enacted because Prop. 3 garnered a higher percentage of the vote.

In general we find the draft guidelines to be a fair interpretation of the language and intent of Prop. 3. Our comments, therefore, will be of a more general instead of specific nature.

1. It has been well reported that the potential voter universe of citizens qualified to serve on the Applicant Review Panel is quite small, due to Prop. 3's insufficiently vetted, lawyerly, and narrow disqualifying language. In an irony that was perhaps lost on Prop. 3's drafters, the majority of Austinites eligible to serve on the panel live in areas with the highest voter turnout—precisely the same Westside zip codes Prop. 3 backers targeted as over-represented zip codes in the lead-up to the November election.

Prop. 3's authors now stress that you have the obligation to select a pool that "reflects the diversity of the City of Austin," despite the fact that in order to do so you may have to place candidates in the pool who might not otherwise be qualified to serve under Prop. 3's stringent provisions, due to lower Eastside voter turnout as well as other factors. We see this as a structural limitation, one of several in Prop. 3 that we pointed out last summer and fall.

2. The creation of a diverse applicant pool for the review panel and for the commission itself will prove difficult because of Prop. 3's exclusive focus on geography as the barometer for Austin politics. As with elected officials, the distinction between descriptive and substantive representation is an important one. The "affirmative" placement of a member of a certain race or ethnicity on the panel or commission does not ensure that this person will substantively represent those interests. In another irony, this is precisely the sort of "gentleman's agreement" dynamic Prop. 3 backers thought they were overthrowing.

3. Austin is not the State of California. Throughout 2012, Prop. 3's authors and backers stridently insisted that they had carefully written their "People's Plan" and had thoroughly vetted it. Austin Community for Change and its supporters argued otherwise. We pointed out some glaring shortcomings and contradictions in the language of Prop. 3, and had some things to say about the theory behind Prop. 3 as well. Now that we are in the implementation phase, some of these problems are starting to become evident.

Both Prop. 3 and Prop. 4 were passed by Austin, not California voters. Regardless of what Prop. 3 supporters now claim their intent was, what Austin voters enacted into law in November 2012 now belongs to all Austinites, not just members of Austinites for Geographic Representation.

Our city is more than capable of discharging a responsibility as important as fundamental change to our city charter without looking to California. If Prop. 3 had been crafted with greater care and properly vetted, there would not

that we are making this process up as we go along. Such a perception would not inspire confidence in Austin's city government.

Respectfully,

Ann Kitchen, Vice Chair, Charter Revision Committee
Fred L. McGhee, Charter Revision Committee Member
David Butts, Charter Revision Committee Member
Wilhelmina Delco, Austin Community for Change
Nicholas Chu, Austin Community for Change
Karl-Thomas Musselman, Austin Community for Change
James Nortey, Austin Community for Change
Cecilia Crossley, Austin Community for Change