CWK
06/19/14
Item No. 4

A RESOLUTION 2014-06-19-0023R

SETTING FORTH THE PROCESS TO FILL THE VACANCY IN THE OFFICE OF THE MAYOR FOLLOWING HIS CONFIRMATION BY THE U.S. SENATE AS SECRETARY OF THE DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT.

* * * * *

WHEREAS, President Barack Obama nominated Mayor Julián Castro for the office of Secretary of the Department of Housing and Urban Development on Friday, May 23, 2014; and

WHEREAS, Mayor Castro will resign from the office of Mayor of the City of San Antonio effective upon the receipt by the City Clerk of a resignation letter from Julián Castro or upon his taking the oath of office as Secretary, whichever occurs first; and

WHEREAS, the City Charter provides that in the event a vacancy occurs in the office of the Mayor, the remaining Council Members shall elect from among themselves, by majority vote, a person to fill the vacancy for the remainder of the unexpired term; and

WHEREAS, the City Council wishes to adopt a more detailed policy to guide them through this special circumstance; **NOW THEREFORE**:

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF SAN ANTONIO:

SECTION 1. The City Council agrees that it shall follow the process below to fill the vacancy created by Mayor Castro becoming Secretary of the Department of Housing and Urban Development. Mayor Castro may preside over the meeting to fill this vacancy, but shall not vote on the matter.

1) Within seven business days following confirmation by the United States Senate of the Mayor's nomination to be Secretary for Housing and Urban Development, the City Clerk will notify the City Council that Council Members who want to be considered for selection as Mayor are to submit a letter of interest to the City Clerk within three business days from the date of notice. A Council Member may withdraw his or her letter of interest at any time.

2) At the next scheduled, or special council meeting, the City Council shall deliberate and vote upon the remaining Council Members with letters of interest to fill the vacancy created by Mayor Castro becoming Secretary of Housing and Urban Development:

   a) the vote shall be conducted as follows:

      i) the City Clerk shall conduct a roll-call vote, in ascending numerical order;

      ii) no Council Member may vote for himself or herself during the selection process, as stipulated by the Texas Local Government Code; and

      iii) a Council Member being considered to fill the office of Mayor may abstain from casting a vote.

b) if one Council Member receives a majority of the votes (at least six votes), that Council Member shall become the Mayor;

c) if no majority exists among the candidates for the position, the City Council shall vote again until one Council Member receives a majority of votes, and that Council Member shall become the Mayor, provided that:

   i) if a tie exists between two Council Members for the most votes, but neither receives a majority of the votes, the City Council shall vote on only those two Council Members, until one Council Member receives a majority of the votes;

   ii) if a tie exists between more than two Council Members for the most votes, the City Council shall vote on those Council Members, eliminating the Council Member(s) receiving the lowest number of votes until only two candidates remain for consideration;

   ii) if only one Council Member receives the highest number of votes, but less than a majority, and a tie exists between two or more Council Members for the second most votes, the City Council shall vote on those Council Members, eliminating the Council Member(s) receiving the lowest number of votes until only one candidate remains for consideration against the Council Member that received the highest number of votes.

d) the Council Member shall be sworn in by the City Clerk as the Mayor, upon the passage of an ordinance confirming the election results, and shall assume the office of Mayor upon the receipt by the City Clerk of a resignation letter from Julián Castro or upon his taking the oath of office as Secretary, whichever occurs first.

SECTION 2. The City Council finds that this process is in compliance with the requirements of the state law and the City Charter.

SECTION 3. The process outlined above may be modified upon a vote by the majority of the City Council as necessary to fill the office of Mayor consistent with state law and the City Charter.

SECTION 4. This resolution is effective immediately, if approved by eight or more affirmative votes.

PASSED AND APPROVED *on this 19th day of June, 2014.*

M A Y O R
Julián Castro

ATTEST:

Leticia M. Vacek, City Clerk

APPROVED AS TO FORM:

Robert F. Greenblum, City Attorney

Agenda Item:	**4**
Date:	06/19/2014
Time:	10:04:00 AM
Vote Type:	Motion to Approve
Description:	A Resolution setting forth the process to fill the vacancy in the Office of the Mayor following his confirmation by the U.S. Senate as Secretary of the Department of Housing and Urban Development. [Robert F. Greenblum, City Attorney]
Result:	Passed

Voter	Group	Not Present	Yea	Nay	Abstain	Motion	Second
Julián Castro	Mayor		x				
Diego Bernal	District 1		x				
Ivy R. Taylor	District 2		x				
Rebecca Viagran	District 3		x			x	
Rey Saldaña	District 4		x				x
Shirley Gonzales	District 5		x				
Ray Lopez	District 6		x				
Cris Medina	District 7		x				
Ron Nirenberg	District 8		x				
Joe Krier	District 9		x				
Michael Gallagher	District 10		x				

Item 4

Proposed Process for Filling Mayoral Vacancy

Robert F. Greenblum
City Attorney

City Council
June 19, 2014

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Purpose

- Establish clear process to fill mayoral vacancy upon Mayor Castro becoming HUD Secretary.
- Process consistent with:
  - City Charter Section 8: Council "shall elect from among themselves" to fill a mayoral vacancy; and
  - Local Gov't Code, 26.047: A serving council member "may not vote on their own appointment" to fill a mayoral vacancy.
  - Council Member Vacancy: City Charter Section 8 and Ordinance

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Proposed Process

- Senate confirmation of Mayor begins process.
- Within 7 business days of confirmation, City Clerk asks Council Members to submit Letters of Interest.
- Council Members submit Letters of Interest within 3 business days.
- A Council Member may withdraw Letter of Interest at any time during the process.
- At next scheduled or special meeting, Council votes to select Mayor from those that have submitted Letters of Interest.

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Selection

- Mayor Castro presides at meeting but will not vote.
- Council will vote until one Council Member has received a majority of votes (6 or more) to become Mayor.
- Tiebreaker process for Council Members with highest votes or second-most votes.
- The selected Council Member will take office upon Mayor Castro's submission of a letter of resignation, or upon being sworn in as HUD Secretary, whichever is first.

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City Council Vacancy

- The selection of a current Council Member as Mayor will create a vacancy on City Council.
- Council will follow established process to fill vacancy:
  - Request applications for interim appointment;
  - Interview and appoint an interim Council Member;
  - If vacancy occurs prior to August 14, special election will be called for November 4, 2014 to fill the vacancy through May 31, 2015;
  - If the vacancy occurs after August 14, 2014, the appointed Council Member will serve through May 31, 2015.

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