

AN ORDINANCE 2008-06-19-0546

ORDERING AN ELECTION TO BE HELD ON NOVEMBER 4, 2008 IN THE CITY OF SAN ANTONIO, BEXAR COUNTY, TEXAS FOR THE PURPOSE OF AMENDING THE CHARTER OF THE CITY OF SAN ANTONIO

* * * *

WHEREAS, the City Council of the City of San Antonio, Texas (the "City") wishes to order an election for Tuesday, November 4, 2008, for the purpose of amending the City Charter; **NOW THEREFORE**;

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

SECTION 1. A Special Election is hereby ordered to be held in the various voting precincts of the City of San Antonio on Tuesday, November 4, 2008, to submit the following proposition to amend the City Charter of the City of San Antonio to the qualified voters of the City:

PROPOSITION NO. 1

Shall the City Charter be amended effective December 1, 2008 to revise term limits to allow a mayor or member of the City Council to serve four 2-year terms of office, instead of two 2-year terms, but prohibit the current and former mayors and members of the City Council, whether appointed or elected, from being elected to more than two 2-year terms.

SECTION 2. If adopted, the City Charter shall be amended as follows:

Section 20. **LIMITATION ON TERMS OF OFFICE.** No person shall be eligible to hold any elected office for more than four ~~two~~ full terms, and shall not be placed on the ballot for election to any term if service for the full term would constitute a violation hereof. For the purpose of this section, the office of the Mayor shall be considered a separate office from the other Council places.

SECTION 3. If Proposition 1 is adopted by the qualified voters of the City of San Antonio, a temporary section will be added to the City Charter to establish that the effective date of the charter amendment will be December 1, 2008. The temporary section will also provide that the charter amendment is not applicable to any current and former mayors and members of City Council, whether appointed or elected. This temporary section may be deleted from any compilation or codification of the Charter prepared after December 1, 2008.

SECTION 4. The following proposition shall be submitted on the ballot so that each vote may vote "YES" or "NO":

PROPOSITION NO. 1

Shall the City Charter be amended effective December 1, 2008 to revise term limits to allow a mayor or member of the City Council to serve four 2-year terms of office, instead of two 2-year terms, but prohibit the current and former mayors and members of the City Council, whether appointed or elected, from being elected to more than two 2-year terms.

SECTION 5. The proposition if approved by a majority of the resident, qualified voters of the City of San Antonio, Texas, who vote in the November 4, 2008 election, shall become effective on the date stated in the Proposition and as specified by any temporary Charter provision adopted by the voters as part of the proposition.

SECTION 6. As soon as practicable after the election and the declaration by the City Council that the amendment have been approved and adopted, the Mayor shall certify to the Secretary of State an authenticated copy of the amendment, under the City's seal, showing the approval by the qualified voters of the municipality.

SECTION 7. The City Council will contract with the Bexar County Elections Administrator to conduct this election. An ordinance authorizing this contract will be considered by the City Council at a subsequent meeting.

SECTION 8. The City Council of the City of San Antonio finds that the November 4, 2008 Special Election shall be held jointly with Bexar County and other entities within Bexar County which may hold elections on this day. An ordinance authorizing a joint election with other governmental entities within Bexar County will be considered at a subsequent meeting.

SECTION 9. The November 4, 2008 Special Election shall be held as required by law. Voting precincts and hours of voting shall be established by the Bexar County Elections Administrator. An ordinance adopting the precincts and voting hours for the November 4, 2008 Election will be considered at a subsequent meeting.

SECTION 10. Voting at the November 4, 2008 Special Election on Election Day shall be done with the use of the AIS650 Tabulators, paper ballots, and/or the iVotronic™ touch screen voting system, as determined by the City Clerk of the City of San Antonio and the Bexar County Elections Administrator. The City Clerk does determine that AIS650 Tabulators and paper ballots shall be used for the casting of early votes by mail and for provisional voting at this election. Early voting by personal appearance shall be done by the use of the AIS650 Tabulators, paper ballots, and/or the iVotronic™ touch screen voting system at polling locations to be determined by the Bexar County Elections Administrator. An ordinance authorizing the polling locations for early voting within Bexar County will be considered at a subsequent meeting.

SECTION 11. Early voting for the November 4, 2008 Special Election by personal appearance shall be conducted at the polling locations, during the period of early voting, commencing Monday, October 20, 2008 and ending Friday, October 31, 2008.

SECTION 12. Resident qualified voters may cast their early vote by mail, and the early voting clerk's mailing address to which ballot applications and ballots voted by mail shall be sent to:

Early Voting Clerk
203 West Nueva 362
San Antonio, Texas 78207-4533

SECTION 13. Notice of the November 4, 2008 Special Election shall be given by publishing a substantial copy of the proposed amendment, both in English and in Spanish, in a newspaper of general circulation on the same day in each of two successive weeks, with the first publication occurring before the 14th day before the date of the election; and a substantial copy of this Ordinance, both in English and in Spanish, shall be posted at three public places in the City of San Antonio and also at City Hall, located at 100 Military Plaza.

SECTION 14. All resident qualified voters of the City shall be permitted to vote at the November 4, 2008 Election and on the day of the election, such voters shall vote at the designated polling places. The election shall be held and conducted in accordance with the provisions of the Texas Election Code, as amended, and the provisions of the Texas Government Code, and as may be required by any other law. All election materials and proceedings shall be printed in both English and Spanish. The official ballots for the November 4, 2008 Election shall be prepared in accordance with the Texas Election Code.

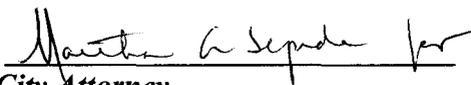
SECTION 15. This Ordinance is effective June 19, 2008.

PASSED AND APPROVED on this 19th day of June, 2008.



M A Y O R
Phil Hardberger

ATTEST: 
City Clerk

APPROVED AS TO FORM: 
City Attorney

Agenda Item:	5						
Date:	06/19/2008						
Time:	10:39:17 AM						
Vote Type:	Motion to Approve						
Description:	An Ordinance ordering a Special Charter Amendment Election to be held on Tuesday, November 4, 2008 regarding the extension of term limits. [Leticia M. Vacek, City Clerk]						
Result:	Passed						
Voter	Group	Not Present	Yea	Nay	Abstain	Motion	Second
Phil Hardberger	Mayor		x				
Mary Alice P. Cisneros	District 1		x				
Sheila D. McNeil	District 2		x				
Jennifer V. Ramos	District 3		x				
Philip A. Cortez	District 4		x				
Lourdes Galvan	District 5		x				
Delicia Herrera	District 6		x				
Justin Rodriguez	District 7		x				
Diane G. Cibrian	District 8		x			x	
Louis E. Rowe	District 9		x				x
John G. Clamp	District 10	x					



CITY OF SAN ANTONIO
Request for Council Action

Agenda Item # 5
Council Meeting Date: 6/19/2008
RFCA Tracking No: R-3538

DEPARTMENT: Office of the City Clerk

DEPARTMENT HEAD: Leticia Vacek

COUNCIL DISTRICT(S) IMPACTED:
City Wide

SUBJECT:
Ordinance Calling the Charter Amendment Election for November 4, 2008

SUMMARY:
This ordinance will order a Special Charter Amendment Election to be held on Tuesday, November 4, 2008 regarding the extension of term limits.

BACKGROUND INFORMATION:

A city election is being ordered and conducted in accordance with the Voting Rights Act, the Texas Election Code, the Texas Constitution, the Charter of the City of San Antonio, and all other applicable State and Federal Laws.

Chapter 43 of the Texas Local Government Code states that voters residing within areas annexed for limited purpose may vote in charter and candidate elections. If necessary, required public notice will be provided to the affected voters.

ISSUE:

Article II, Section 5 of the City Charter states that terms of office for all members of City Council shall be for two years beginning on the first day of June following their election. Additionally, Article III, Section 20 of the City Charter states, "No person shall be eligible to hold any elected office for more than two full terms, and shall not be placed on the ballot for election to any term if service for the full term would constitute a violation hereof. For the purpose of this section, the office of Mayor shall be considered a separate office from other Council places."

The City of San Antonio proposes to extend the terms of office for elected officeholders from two full 2-year terms to four full 2-year terms of office. This proposed amendment would provide for a one-word change to the City Charter, as follows: "No person shall be eligible to hold any elected office for more than **four two** full terms . . ."

Upon approval by the voters, members of Council would be eligible to hold elected office for no

more than a total of four 2-year terms. This provision would go into effect December 1, 2008. The Charter Amendment would not be applicable to current or former Mayors and City Councilmembers.

At a subsequent City Council meeting, the Office of the City Clerk will bring forth an ordinance that will authorize the conduct of the election by Bexar County, list City of San Antonio precincts, establish Early Voting and Election Day polling sites, establish the hours and days for Early Voting, and provide for required public notice.

ALTERNATIVES:

In order to be in compliance with all legal requirements, action is required to be taken at this time. As such, no applicable alternatives are available.

FISCAL IMPACT:

Election expenses related to the conduct of the November 4, 2008 Charter Amendment Election would be proportionately distributed to the City. As such, the cost to the City is anticipated to be minimal.

All costs associated with conducting the Special Charter Amendment Election will be requested in the FY 2008-2009 City of San Antonio Operating Budget.

RECOMMENDATION:

The Office of the City Clerk, in coordination with the Office of the City Attorney, recommends that the City of San Antonio order the Special Charter Amendment Election to be held on Tuesday, November 4, 2008.

ATTACHMENT(S):

File Description	File Name
Voting Results	
Ordinance/Supplemental Documents	200806190546.pdf

DEPARTMENT HEAD AUTHORIZATIONS:

Leticia Vacek City Clerk Office of the City Clerk