

AN ORDINANCE **97086**

**ACCEPTING THE RESIGNATION OF COUNCILMAN DAVID A. GARCIA FROM COUNCIL DISTRICT 5; AND PROVIDING FOR AN IMMEDIATE EFFECTIVE DATE UPON EIGHT (8) AFFIRMATIVE VOTES.**

\* \* \* \* \*

**WHEREAS**, Councilman David A. Garcia, District 5, submitted his resignation from the City Council on January 16, 2003, (a copy of which is attached as Exhibit A to this Ordinance) and

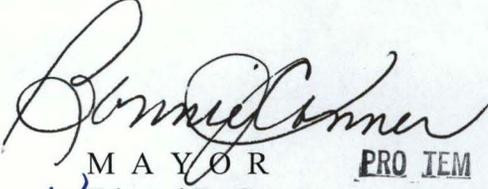
**WHEREAS**, the City Council wishes to accept the resignation submitted by Councilman Garcia: **NOW THEREFORE:**

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

**SECTION 1.** The City Council accepts the resignation of Councilman David A. Garcia, District 5, dated January 16, 2003.

**SECTION 2.** Because of the importance of accepting this resignation and promptly appointing a replacement to fill the unexpired term so the citizens of District 5 are represented on the City Council, an emergency is declared for the preservation of public peace, property, health or safety so that this ordinance shall take effect immediately upon the affirmative vote of at least eight (8) members of the Council. Otherwise, this ordinance shall be effective on and after the tenth day after its passage.

PASSED AND APPROVED this 23<sup>rd</sup> day of January, 2003.

  
M A Y O R      **PRO TEM**  
Edward D. Garza

ATTEST:   
City Clerk

APPROVED AS TO FORM:   
City Attorney

03 - 03



CITY OF SAN ANTONIO

RECEIVED  
CITY OF SAN ANTONIO  
CITY CLERK

**DAVID A. GARCIA**  
CITY COUNCILMAN  
DISTRICT 5

2003 JAN 16 AM 10:47

January 16, 2003

Effectively immediately I resign.

A handwritten signature in blue ink, appearing to read 'David Garcia', written in a cursive style.

David A. Garcia  
City Councilman, District 5

MAILING:  
P.O. BOX 839966  
SAN ANTONIO, TEXAS 78283-3966

CITY OF SAN ANTONIO, TEXAS  
CITY HALL (210) 207-7043  
FAX (210) 207-7027  
E-mail: dagarcia@ci.sat.tx.us

**CITY OF SAN ANTONIO**  
**CITY ATTORNEY'S OFFICE**  
**INTERDEPARTMENTAL CORRESPONDENCE**

TO: Mayor and City Council

FROM: Andrew Martin, City Attorney

COPIES TO: Terry M. Brechtel, City Manager

SUBJECT: Ordinance Accepting Resignation of Councilman David A. Garcia, Council District 5

DATE: January 23, 2003

**SUMMARY**

On January 16, 2003, Councilman David A. Garcia submitted his resignation effective immediately, resigning from his position as District 5 Councilman. This Ordinance formally accepts Councilman Garcia's resignation.

Section 15 of the City Charter provides that an ordinance shall take effect on the date indicated by the ordinance, but not less than ten days from the date of final passage unless an emergency is declared. An emergency measure is an ordinance to provide for the preservation of the public peace, property, health or safety. The affirmative vote of at least eight (8) members of the Council is required to pass any ordinance as an emergency measure. The Council may make an emergency measure effective immediately upon enactment upon approval by eight (8) affirmative votes.

The City Council has previously determined that the resignation of a council member from office constitutes an emergency. On March 9, 2000, the City Council approved Ordinance 91373, formally accepting District 5 Councilman Rick Vasquez's resignation. The Ordinance also declared an emergency for the preservation of the public peace, property, health or safety allowing the ordinance to become effective immediately upon the affirmative vote of eight (8) members of the Council. The Ordinance cited the importance of beginning the process to fill the vacancy so that the citizens of that district would be represented on the City Council.

**FINANCIAL IMPACT**

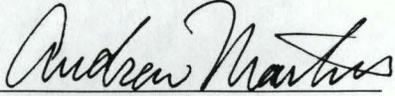
None.

**POLICY ANALYSIS**

It has been the established policy of the City Council to fill an unexpired term on the City Council as soon as possible, so the citizens of that district might have new representation on the governing body of the City of San Antonio as rapidly as practical.

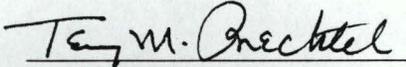
**RECOMMENDATION**

I recommend that this Ordinance be approved:



Andrew Martin  
City Attorney

Approved:



Terry M. Brechtel  
City Manager

MEETING OF THE CITY COUNCIL

h

ALAMODOME
ASSET MANAGEMENT
AVIATION
CITY ATTORNEY
MUNICIPAL COURT
REAL ESTATE (FASSNIDGE)
REAL ESTATE (WOOD)
RISK MANAGEMENT
CITY MANAGER
SPECIAL PROJECTS
CITY PUBLIC SERVICE – GENERAL MANAGER
CITY PUBLIC SERVICE – MAPS AND RECORDS
CODE COMPLIANCE
COMMERCIAL RECORDER
COMMUNITY INITIATIVES
CONVENTION AND VISITORS BUREAU
CONVENTION CENTER EXPANSION OFFICE
CONVENTION FACILITIES
COUNCIL OFFICES
CULTURAL AFFAIRS
CUSTOMER SERVICE/311 SYSTEM
DEVELOPMENT SERVICES
HOUSE NUMBERING
LAND DEVELOPMENT SERVICES
TRAFFIC & DRAINAGE PLAN REVIEW
ECONOMIC DEVELOPMENT
ENVIRONMENTAL SERVICES
SOLID WASTE
EXTERNAL RELATIONS
PUBLIC INFORMATION OFFICE
FINANCE - DIRECTOR
FINANCE – ASSESSOR
FINANCE – CONTROLLER
FINANCE – GRANTS
FINANCE – PUBLIC UTILITIES SUPERVISOR
FINANCE- TREASURY
FIRE DEPARTMENT
HOUSING AND COMMUNITY DEVELOPMENT
HUMAN RESOURCES (PERSONNEL)
INFORMATION SERVICES
INTERNAL REVIEW
INTERNATIONAL AFFAIRS
LIBRARY
MANAGEMENT & BUDGET (OFFICE OF) OMB
MAYOR'S OFFICE
METROPOLITAN HEALTH DISTRICT
MUNICIPAL CODE CORPORATION
MUNICIPAL COURT
NEIGHBORHOOD ACTION
PARKS AND RECREATION
MARKET SQUARE
YOUTH INITIATIVES
PLANNING DEPARTMENT –NEIGHBORHOOD PLNG; URBAN DESIGN/HISTORIC PRESERVATION
DISABILITY ACCESS OFFICE
POLICE DEPARTMENT
GROUND TRANSPORTATION
PUBLIC WORKS DIRECTOR
CAPITAL PROJECTS
CENTRAL MAPPING
ENGINEERING
PARKING DIVISION
REAL ESTATE DIVISION
TRAFFIC ENGINEERING
PURCHASING AND GENERAL SERVICES
SAN ANTONIO WATER SYSTEMS (SAWS)
VIA

AGENDA ITEM NUMBER: \_\_\_\_\_

20

DATE: \_\_\_\_\_

JAN 23 2003

MOTION: *Mart* \_\_\_\_\_

*Soder*  
97086

ORDINANCE NUMBER: \_\_\_\_\_

RESOLUTION NUMBER: \_\_\_\_\_

ZONING CASE NUMBER: \_\_\_\_\_

TRAVEL AUTHORIZATION: \_\_\_\_\_

NAME	ROLL	AYE	NAY
BOBBY PEREZ District 1		✓	
JOHN H. SANDERS District 2		✓	
ANTONIETTE "TONI" MOORHOUSE District 3		✓	
ENRIQUE "KIKE" MARTIN District 4		✓	
DAVID A. GARCIA District 5		✓	
ENRIQUE M. BARRERA District 6		✓	
JULIAN CASTRO District 7		<i>absent</i>	
BONNIE CONNER District 8		✓	
CARROLL SCHUBERT District 9		✓	
DAVID CARPENTER District 10		✓	
EDWARD D. GARZA Mayor		<i>absent</i>	

03-03