

SPECIAL MEETING OF THE CITY COUNCIL
OF THE CITY OF SAN ANTONIO HELD IN
THE "B" ROOM AT CITY HALL, ON
MONDAY, AUGUST 19, 1974.

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The meeting was called to order at 1:30 P. M. by the presiding officer, Mayor Charles L. Becker, with the following members present: COCKRELL, SAN MARTIN, BECKER, BLACK, LACY, MORTON, O'CONNELL, PADILLA, MENDOZA; Absent: None.

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MRS. LILA COCKRELL

Mrs. Cockrell said that last week she had attended a TML meeting in Dallas and while there had visited the Dallas City Hall. She had a brochure entitled "Action Center", describing a function in City Hall which has the purpose of answering questions or complaints of citizens. A person may call to ask a question of a member of the staff who will follow through in obtaining the answer and then calling the citizen back. Mrs. Cockrell suggested that the staff in San Antonio might investigate this operation to see if a similar installation would be helpful here.

Mrs. Cockrell also had a brochure on City Council meetings. It outlines procedures for citizen participation and also describes the Council organization.

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CHARTER REVISION

The following discussion took place:

MAYOR CHARLES L. BECKER: All right. Let's take up the.....do you want to resume this meeting of June 17th?

DR. JOSE SAN MARTIN: Mr. Mayor, I don't see any need for spending any time on one and two since we already have by majority voted that those two items be on the ballot. So, I would suggest that we go right into that....

MAYOR BECKER: That sort of means.....

MR. ALVIN G. PADILLA: Which are the ones that were acted on?

DR. SAN MARTIN: One and two.

MR. PADILLA: One and two? Direct election and Council pay?

MAYOR BECKER: Okay, all right. Let's then get into the third item then, as a matter of business.

MR. PADILLA: Mr. Mayor, as a review I would like to again re-submit the very same idea that was submitted at that time and didn't get a decision either way as I recall. On the matter of districting, first of all I am in favor of all districts but I don't believe it would go through at all, as I said before. On the other hand, I think that they should have the opportunity to consider the districting method. The last time I suggested this, I don't know if this needs a motion or not. If it needs a motion, please consider it a motion. I'd like to suggest that we adopt and submit to the voters seven by district and four, including the Mayor, at large for a total of eleven Council members.

DR. SAN MARTIN: Mayor, I'd like to request that Mr. Padilla defer this motion until we decide first the type of the Council, and later

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on in our deliberations we decide that we want a nine member Council, then your seven and four would be more.....

MR. PADILLA: I only made that motion if necessary. I'm willing to drop it in as a suggestion at the present time to be discussed by the Council.

DR. SAN MARTIN: I think Mr. Mayor, that the first thing would be to decide whether we're going to have 9, 11, 13 or whatever. Once we decide what size Council to propose, then you can consider seven and four. I would like to make a motion that the size of the Council remain the same with nine members on it.

MR. PADILLA: Joe, you requested that I not make a motion until we discussed this. Can I ask the same of you?

DR. SAN MARTIN: Yes.

MAYOR BECKER: Let's discuss the ramifications...

DR. SAN MARTIN: (Inaudible).....motion too. But I think we were putting the horse before the cart the other way. I think we have to decide on the size first and then come in with our talk about districts.

MAYOR BECKER: It may seem like an insignificant matter when you stop to consider it, but one of the things that must be considered is how are you going to accomodate eleven in the present quarters that you have there in the Council Chambers without considerable alterations. The place is often too small as it is. Now, I just thought that in for what it's worth, it shouldn't be a determination as to whether or not the world sinks or swims.

MR. PADILLA: With all due respect, Mr. Mayor, that has to be one of the minor factors.

MAYOR BECKER: And I appreciate it.

MR. PADILLA: If the City of San Antonio, we were to believe considering that the City needs X number of Councilmen, whatever it be, whatever adjusting of the facilities, would have to be one of the minor considerations.

MAYOR BECKER: You know, it's there, nevertheless. It's just a point to be remembered.

DR. SAN MARTIN: My reason, Mr. Mayor, for suggesting nine is not to avoid additional expense. I think that nine is a flexiable number. It's a good number. I believe that more than nine which I, myself, think there should be two more would become unwieldy and the meetings would probably last until midnight with eleven people trying to put in their two cents worth.

MAYOR BECKER: Nine is a good round number.

DR. SAN MARTIN: Nine, yes, it's wieldy anyway.

MAYOR BECKER: Okay, yes Leo.

MR. LEO MENDOZA: Mr. Mayor, I think we have some members of the Charter Revision Committee here, and it was their recommendation that we increase the number to eleven, from nine to eleven, and I was just wondering if there was anyone that's here who would like to elaborate on the reason why they thought that more were needed. I'm sure they did a lot of research and had a lot of discussion on the matter. Would it be proper at this time to ask anyone that's here to enlighten us on this?

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MAYOR BECKER: I think it should be thoroughly discussed because after all this is one of the most important features in the whole.....

MR. MENDOZA: Yes sir, I think they went into a lot of work and of course if they came up with this recommendation, then I'd like to hear from them if possible. I don't know who would like to...

MAYOR BECKER: Who would like to discuss it who was a member of the Charter Revision Committee? Mrs. Dutmer? Helen.

MRS. HELEN DUTMER: I would. I believe from my notes here that someone has a summation of the Charter Revision recommendations that the size of the City Council was discussed very thoroughly and again we had the same problem that you're having. We didn't know which came first, the chicken or the egg. We didn't know whether to vote on the size of the Council first and then the method of election or whether we should go to the method of election and then determine the size of the Council. So, it is a little bit hard to get both of them in the proper perspective. However, I think if you read through your summation, I think you will find that the vote was very, very narrow on your eleven member Council. It did win by 13 votes but I believe it was a tie vote until the Chairman broke the tie.

MAYOR BECKER: Anyone else care to speak now on the subject? Whether it be nine or eleven. Excuse me, I think Mrs. Cockrell was first.

MRS. LILA COCKRELL: Mr. Mayor, I lean towards eleven and I guess I do for several reasons. First, I do lean toward having some combination method of some by district and some at large. That being the case and, of course, I don't go all for districts, I think in order to have enough districts to make it worthwhile you almost have to consider enlarging to eleven or you don't have enough latitude to have districts in the ...inaudible...to really be meaningful. So, I have six districts and five at large including the Mayor who will be one of the five at large. But another reason is, I think, our City is a very complex City from a very...inaudible...point of view. I think having two more persons on the Council gives the opportunity for at least a little bit more latitude in the type of representation in trying to represent the various groups. We'd like to have heard particular interests on the City Council...inaudible. On the point of the fact that it might slow down the Council meeting, it's something to consider all right. The City of Dallas does have eleven now and they appear to be working effectively with that number. I think probably it depends on the ...inaudible...which all the members use. There are things to be said with nine. Some meetings are long with nine.

MAYOR BECKER: Some meetings could be long with one.

MRS. COCKRELL: That's right. I did lean toward having eleven because of the opportunity for more...inaudible.

MAYOR BECKER: Okay, Reverend Black.

REV. CLAUDE BLACK: It seems to me that the method does make or dictate a number in a very significant way. I agree with that basic proposition that has been put forth. If we talk about districts, then it seems to me that you must face the fact that you want this to be meaningful. I think you tend to limit, as you stated, the participation from the district, once you should cut back the number. So, I would like to support the idea of eleven. Now, I would have them all districts if this was within my power to do so, but since it appears that there are political indicators that don't present that option, that therefore, we should have a sufficient number of Councilmen to at least present a viable district program to, you know, I believe that it would tend to bring about some support. Now, in addition to this the kind of responsiveness that I think is the

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objective of the district system, the kind of responsiveness that I think has been reflected. Being on this Council can be greatly encouraged and sustained and supported by, I think, the increased number by two additional Councilmen. I would simply like to support the idea that we add the two recognizing all the problems that we discussed and realizing that one of our biggest problems is participation of this community in the political process and I think increases the participation of the community in the development of the subject.

MAYOR BECKER: Do you have anything further to say on the subject? Al, did you want to say something?

MR. PADILLA: I just wanted to make the point. First of all, I agree with almost everything that Mrs. Cockrell said, the Rev. Black too. As to the eleven, it seems to me that the number nine as all figures are in a sense have to be somewhat arbitrary when it was established at nine the representation that...inaudible...so to speak to one Council member, was considered less than it would be today, with the same figure at nine. The City has grown a great deal. The problems have grown. The diversity of the community has probably grown to some extent as Mrs. Cockrell pointed out. I believe that, though I realize that the number eleven is arbitrary, I don't know what the absolute, the correct number would be 15 or 20, I don't know. I think that, to the extent that we can, we might address to eleven and if at least that's correct or at least not any more arbitrary than the people were in 1951 when we had just nine.

MR. CLIFFORD MORTON: I'd like to have a little more discussion on the reason why we have two people here who say if they had their choice, they would go district, all districts as one of the options. Why would they want to go to this choice? I'm just wondering if we aren't prejudging the voter as far as his reaction is concerned in an unfavorable way. I'd like to offer them a choice. If districts are such a great idea, then I think they ought to have the option to go all the way with it.

MAYOR BECKER: Well, then am I to understand you to say then and if I'm putting words in your mouth, please let me know immediately. Am I to understand you to say that this might be considered, putting on the ballot several options or alternatives, one is six/three, two is seven/four and the third one is let's say, all districts and see what might occur as a result of it. Fragmentation might take place but let's....

MR. MORTON: Let's talk about what we have versus eleven which we seem to be getting a consensus on. We're saying that if you go to districts, you're probably going to need more people on the Council. If we can back up a step and ask this question, at the present time are we saying that if you are all elected at large, it is not a sufficient number?

MRS. COCKRELL: It works...inaudible...I think that there is still the matter that there might not be enough places.

MR. MORTON: Okay, we could say the alternative is nine Councilmen at large, that's one alternative. When...inaudible...then let's go to the other extreme and say eleven, all by districts. Now, what other choices that you want in between?

MRS. COCKRELL: May I ask first if we could get some kind of indication from the City Attorney of the practicality of putting options of this on the ballot. What would it do? Will they have a run-off election or something because it's very unlikely that anyone of say four or five alternatives would get a majority vote.

CITY ATTORNEY CRAWFORD REEDER: It has to be phrased in such a way that you can vote yes or no, and judging from the past elections that we had, I'm inclined to agree you probably know you probably would have somebody voting yes for all of them. I don't know. So, you just about have to pick one way or one number, and say shall the number be increased from nine to eleven? And another one saying, shall Councilmen run exclusively by districts? Incidentally, MALDEF said that they're going to fight us no matter what we do if we don't go with all districts just in case you all are worried about that. Just in case that's in your mind. I'm not worried about it myself...

MR. MORTON: Are you saying that you could not have two options nine at large and eleven by districts, vote for one or the other?

CITY ATTORNEY REEDER: Well, Mr. Morton, those amendments are supposed to be phrased in such a way that they're answered yes or no. I'm trying to decide. Now suppose you had those two options, you couldn't phrase that to be answered yes or no. You'd have to say shall the number be increased to eleven, answer yes or no. Okay, then the other one should be, now on the other one you don't need to change it, cause it's nine now. But shall it be changed from nine to eleven, you got to say, answer yes or no.

MR. PADILLA: So, if you answer yes, you're for changing it, and if you answer no, you're for keeping it as it is.

CITY ATTORNEY REEDER: Yes, that's right.

REV. BLACK: I think that one of the things that we've got to, I think you have to have responsibility to, we've got our Charter Commission and I think that Charter Commission was highly representative of the thinking attitudes of this community. Now, this is the reason I said I didn't see any possibility of all because I didn't think it was reflected in the Charter Commission presentation. I think...inaudible... in a sense reflected a great deal of the attitude of this community. For that reason I would think that...inaudible...as nearly as we can would be to balance our ideas off of what they have presented. Now, listen I know we're not bound by this and I have indicated...inaudible... but I do think that there ought to be a democratic session of this Council in terms of what it wants or recommends because if you do get into too many options out there, you're going to confuse, you can defeat it just as easily with options.

MR. MORTON: I'm not trying to do that. What I'm saying here is I don't look upon my responsibility of the issues that are to be submitted to the voters as saying that I am for them or against them. I think the responsibility is in those areas where we have gotten expressions of change that we give the electorate the opportunity to express their opinion. Of course, as far as whether I am for or against the Councilmen getting \$10,000 personally a year, I don't think I'm recommending it. I don't think that's it by putting this on the ballot. It isn't endorsed by them at all. But the districting thing is something that many people feel very strongly in favor of so if that's the case, let's give them the opportunity.

MRS. COCKRELL: Mr. Mayor, I'm in favor of putting at least what I think is the viable offering on the ballot. I think if we put only the two extreme positions and left out a whole middle ground of the area where change might be acceptable...inaudible...and still be in a position of kind of recommending alternatives and I do think that is what the Charter Revision Committee...inaudible...options. So, I would prefer myself to...inaudible...to give the opportunity to vote for or against a plan that combines districts and at large. You might call it a compromise plan. Frankly, I think it's a plan that may work for our community and I would like, at least, for the voters to have the opportunity. I have only one small disagreement with the Charter Revision Committee. They came up with a seven/four and I prefer the

number six/five for two rather definite reasons. One is that the number six/five, that every voter in the City will be able to vote for a majority of the Council. They would vote for one from their district plus five at large. So, you would be voting for six persons out of the eleven. And I think it may be to many people, I think it might be something that they would feel more confident in having had that much to say. And when I think of this from a second point of view, I'm concerned that if we have the seven/four there are some issues that are gut issues for anybody to vote on. If there ever has to be a tax increase or something like that, there are issues that sometimes you get in that are necessary for the overall welfare of the City and yet they are real tough to vote for. I think that, you know, if we just have at least a sufficient number at large that we might get into a real bind in trying to face up to that kind of issue. I think if you're elected from one district, particularly if it were a district where you know the people were low income and having a rough time...inaudible...vote for some of those things and yet sometimes you see a situation where if you fail to do so...inaudible...It's just something that worries me on having a majority by district.

MR. MORTON: ...inaudible...I think it is a step toward elimination of Council-Manager government. That man is going to be a full time man that is representing the district. There isn't any question about it.

MRS. COCKRELL: Somehow, sometimes some of us are full time people trying to represent all the people too.

MR. MORTON: Well, I realize that. But I, let's face it, there's no other person you're going to call on. He's your man, he's your representative.

MRS. DUTMER: Mr. Mayor...

MAYOR BECKER: Yes madam.

MRS. DUTMER: ...inaudible...some of the remarks of the Charter Revision Committee. Again, we took into consideration that if you increase your Council members to eleven and you are going for a new compensation, that this again would be one of the criteria for... inaudible...Now, I know the conditions around here and perhaps some of us can afford a little extra taxes or something, but the budget is strained right now. Your citizens, your taxpayers, are strained and if you add any more to the budget, well with more Council people, you're going to run into some difficulty and further I think if you go asking voters they haven't taken the time of studying it and on Charter Revision we have to study, believe it or not. We had to go into what other cities are doing what other...inaudible...are using and everything...inaudible...if change it. I think that if you throw the decision to the voters for seven/four or six/five, he is not even going to know what the dickens you're talking about.

REV. BLACK: ...inaudible...has been presented with reference to at large. If you take a tax issue, I would think that a person would have more...inaudible...to the community, much more difficult time voting on a tax issue than a person who comes out of an impoverished community primarily because you don't have that many owners you see. You don't have the same kind of tax break and I really don't think even if you...inaudible...Let's say you might talk about that kind of hard, difficult task. If you have districts that are going to represent communities, you're going to deal with the balance on that Council that's going to reflect the attitudes of both the affluent and the impoverished communities. Which means that in many instances you're giving your community the very problem that you have with the at large vote if the community of the impoverished does not have really the kind of votes in terms of strength. In other words, even if you have some individual represent that impoverished community, in a way that is in conflict with a more affluent community, he stands a chance of not being elected.

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But if he represents that community in a district system in a way that does not reflect the attitude of the more affluent community, he still has a chance to be elected. So I do think you have more of a representation in the positions that are taken by the Council members when debate takes place. Yet I think you're going to have representatives from all of those expressers in the community. Now, I'm not just talking about the racial thing, I'm talking now about you'll have the ...inaudible...you're going to deal with the taxpayers ...inaudible...taxpayer within this community as well as the person who comes from another community where he represents every taxpayer. So, it's not as clear cut. When you still have this dialogue, I still think you can get that dialogue out of the district too, and I'm anxious for a dialogue. I'm anxious to not really have a situation or to improve the situation where you find yourself having to simply take into consideration where the power is with reference to your act but that you can act...inaudible...without regard for that unity of power that you had when you were elected throughout the...

MAYOR BECKER: I may be sort of naive on the subject and probably idealistic to a fault. I think this recent confrontation and substantive changes that occurred recently in Washington seems to have some indicators, at least to me, that the public in this United States, the people, are once again concerned about their form of government more so today, I think than ever. I would like to think that what recently transpired we can carry forward at least for another five or ten years while it's still fresh on everybody's mind that you shouldn't do things you shouldn't be doing. You should be trying to act in the best interest of the total citizens. In that connection I just wonder if it wouldn't be proper at this time to bring forward to the public an opportunity to vote for, say, three or four combinations. Once and for all, and I don't mean that they would never, never get a chance to address themselves to that question again, but this is something that has been sought after by many, at least I'm led to believe that it has been sought after by many. Now, if that condition is so and those facts are correct, then there perhaps is a greater awareness of what we're talking about here today in the community without even publicizing the matter to any further extent...inaudible...I don't know. The area I come from is probably not representative of some of the areas that have been crying for districting for many, many years. I'll have to ask what the feelings are with respect to people whether they be ethnic groups or not of the Westside, of the Eastside, of the Southside or the Northside.

Perhaps, we're talking about something that is almost as common in the daily conversations as the baseball game that was played last night or something in certain parts of town. I don't have that idea. If you had to make a judgment, if you had to make a guess, Rev. Black, as far as the Eastside of the City is concerned, I don't like to single you out, but what awareness is there of this districting thing for example on the Eastside? I'd be interested in your own opinion.

REV. BLACK: Well, I think that on the point of whether I could go out there and ask a citizen, do you know what is being discussed about districting, I don't know that you would find many, but if you set up a group of citizens to discuss the merits of districts over against or the merits of district at large election, I think you would find the great majority of them would go districts primarily because of historic experiences...inaudible...It's not just simply audition... inaudible...but because in the past when they dealt with and had this they offered to improve the political situation.

MAYOR BECKER: Now, let me ask you this, really I'm not you know... inaudible...I'm just merely asking and by my remarks I'm not saying that I'm not in favor of districting, I'm just trying to analyze it. Is the government in New York City, for example, in Brooklyn, Queens or whatever really any better than the government in the City of San Antonio? Is the government in Chicago, the government in Philadelphia,

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or whatever that much better? Has it responded that much better to the people that live in those areas and wards or whatever goes with political subdivisions, has it really done that much more for them? I don't know. I'm just merely asking.

REV. BLACK: I think this. What you have, whatever isn't there, ...inaudible...it has not had any kind of regional or ethnic relationships in the sense that you've had bad persons representing districts that were black, you had good persons representing districts that were white, now you had, there's been a common denominator within all of it. I think that is essentially what you're talking about when you talk about districting. You're trying to eliminate anything that brings about any inequity for that individual to launch out there whether or .. no matter what his background might be. There is a problem, you know, as we all know. Let's take just running for governor of this state. The boy from the...inaudible...doesn't run for the governor of this state anymore. What I'm saying is that you're putting it within the reach. That's what the district means, that you're putting it within the reach of people that would not have a chance otherwise, a chance to contribute to their own government.

MR. PADILLA: I think this putting it within the reach is the key. I think that when someone of one opinion doesn't mean that, for instance, I'm not suggesting at all in speaking for districting that there's nothing desirable, that there's nothing good in improving the City of San Antonio is the system that we have. The suggestions of any would be absurd. However, the issue is putting it...inaudible... government is becoming or the running for public office is becoming more and more difficult and more and more expensive all the time. I think it's a very important thing to consider. This is one of the things that I get in communication from people on the Westside and I do represent that as well in the comments that I make relative to these issues. Again, you have historical things. In the past and I do not speak of GGL because I speak of principles. It wouldn't matter what it would cost. The fact is that we have a predominant, strong political organization. In any community, it's going to accomplish a lot of good and it's also going to be difficult to...inaudible... This is what I speak of. What we're doing now may survive the GGL as it worked for many years. You may have other organizations that come to pass. There's some better, some worse. Reachability. Historically, the Westside of San Antonio and the attitude has been passed on to me. We have had cases where the hierarchy so to speak, the political organizations that are not represented are large segments of the community are actually, so to speak, annointed who the candidates would be. In many cases, I think, Dr. San Martin is an outstanding example of an effective representative, in some cases the Westside feels among many people that the representation has been poor and that this was done in some cases...

MAYOR BECKER: This is no reflection on Dr. San Martin.

MR. PADILLA: No, the reason I referred to Dr. San Martin is because Dr. San Martin has been a representative for many years unlike Mr. Mendoza and myself. He is an outstanding representative. There have been some that this community feels might have been even adequate. There have been some candidates that lost badly in the Westside and yet were elected by the rest of the City and the community felt that these people were not representative of their community and do not represent them adequately and could not present to the governing body of the City a fair position. This is the crux of the thing, the reachability in terms of economics. This bears on the salary which we are not discussing today. The fact is that in running at large in the City as large as San Antonio which has approximately twice the population of some states, it's becoming more and more expensive and it's becoming more and more impossible for many people who could very adequately represent a particular segment of the community and I speak of geography as much as anything else.

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It's becoming very impossible for people like that to run at large not only because they do not work, cannot work with an organization that can meet their financial requirements, are readily becoming impossible when they cannot possibly raise the kind of money that you need to run city wide. When you're speaking of a district, at least it's a possible thing to get out and organize community groups and stand a much better chance of contacting through personal contact sufficient groups of voters to interest them to take part in your campaign and so forth. It becomes a possible thing. I think this is very important in terms of the Westside. My conclusion would be, if you were to get enough people together in a room, you would find that many of them although I will not claim that it will be a unanimous thing, many of them will be for districting and the reason for it is because they would feel the government will be more reachable and more accessible to them through this method.

MR. GLENN LACY: Mr. Mayor?

MAYOR BECKER: Yes sir.

MR. LACY: The one thing that occurs to me, of course, I don't know whether there's been talk about the ingredient to determine what makes up a district or what...inaudible...situation to call that a district as opposed to just ethnic areas, the economical level, how much they earn and so on. You get all those down, you've got 15 different districts. If we're going to represent all of them, it depends on how much you're going to put in each to determine whether it's a district and essentially if you do make it a district, where is the district line going to be drawn and how are we going to determine where that line goes?

DR. SAN MARTIN: That would be up to the City Council to determine the district and as long as you can prove that, you're not actually gerrymandering in setting out your district. I think that any plans that are actually approved by the Council in the first place, it would be up to the courts...inaudible...If you can show that you are not actually trying to gerrymander just about any...

MR. LACY: That's always been...inaudible.

MR. MORTON: Do you know of any districts we have on the congressional level or on the state level that aren't gerrymandered?

DR. SAN MARTIN: They're still there.

MAYOR BECKER: Those things are changed on a computer, aren't they?

MR. MORTON: You're always trying to improve your position.

MR. AL ROHDE: I didn't want to make any remarks on districting until later. It looks like we're in that discussion so I would like to pass on to you ladies and gentlemen. I favor the proposal made by the Council for the following reasons: That eleven is a great number. It brings input into the Council as far as dreams or goals of eleven candidates in the next election. There are other ideas in their... inaudible...and so forth. At the same time I do say this mixed bag of districts and at large for the following reasons. I think in districts the residents of each district will have a closer voice with their representative. Both districts and at large City Council members offer the best representative government to an extent. Two, citizens with problems of program will have a better ear and a better eye and voice in their community with City Hall under this mixed bag of Council districting and at large. Election of Council members by districts is that candidates will be brought closer to the pulse and feelings of their constituents. Such Council candidates will have to get campaign financial reports from their own districts to run. That's a very important point and I think Mr. Padilla touched on this point about campaign funds from their own districts and I tell you they would not get campaign funds from the outside. Any outside campaign, financial support will be highly undesirable or unlikely out of the candidate's district because he would tend to draw his interest away from his own district and his voters would truly know this when they read those financial reports.

On the three at large and one for the district for direct Mayor, in my opinion, you would get the best potential leadership in these candidates from the at large race and run-off. A strong voter appeal and a voter image candidate will enter the City wide race such in 1975 as City wide candidate. They will not enter those races, I don't think that districts is one of the things...inaudible...I think if I would enter a race I would not take a district race because I think it would be a very dull race. I think it would be a very revolting race and I wouldn't make it but I think the City wide candidates would be the real race and that's what I would think to be more fun in that race. I think that all people should have choice in the election for these at large candidates. For that reason you would be satisfying both elements of voters at this election. Thank you.

MAYOR BECKER: I just wondered if you could be signed up right now. I was going to ask the people who want to sign up as candidates.

CITY CLERK J. H. INSELMANN: Yes sir, it's too early.

MRS. SUE EASTWOOD: I'm Sue Eastwood. I was on the Charter Revision Committee and I'd like to make a couple of other points since we are talking about districts. As for the compromises, this is a very broad spectrum committee and it really worked beautifully in the committee and I think possibly that it would reflect...inaudible...ideas. There were people who were very much afraid of districting because of our local experience before the Charter and Council-Manager government was accepted. There is the old idea of ward healers. The older people remember this very vividly and they're very much against this. I think you might have a senior citizen for votes. Your compromise does give...inaudible...and our arguments about seven/four and six/five. Seven/four means the majority will be elected by district, however, the City Council is the ultimate legislative body between each citizen vote and our government project. Others felt that if a person standing before the Council elected a majority of them that this would be a more, make more response to the Council who would determine...inaudible.

MAYOR BECKER: You know, reflecting on what you said about ward healing and all that, since we've been on this Council just this term we've probably had several people or several groups come and ask us to represent them more preferentially than you might say some other groups we represented.....inaudible.....asking early in the game. There were nothing more or less than just pure unadulterated ward healers. That's all it was. This was done with everybody running at large. I don't really know that running at large or by district or anything else ever takes the human equation out of politics and what the people seem to think they are entitled to.

MR. BILL O'CONNELL: Mr. Mayor, I'd like to ask a question. I noticed that we might not be in as big a hurry as we thought we were to start with. We take this notification that Jake has passed out here saying that if we waited until the November 5 election, the reason I mention that, isn't it historically true that the public doesn't come out and attend public hearings? I notice that in reading there were fifteen on time.

MAYOR BECKER: I think the biggest crowd we ever drew was over the utility bills and that was SRO!

MRS. DUTMER: Mr. Mayor?

MAYOR BECKER: Yes madam.

MRS. DUTMER: Again, I, of course, you know my work is grass roots level and I have been contacting so many people in keeping up with things. They say why don't they let the citizen know. Now unfortunately when we did ask the news media to publicize, we got a little one inch square. Perhaps on the sports page or perhaps it would show on the classified ad page or some obscure place and actually we had no publicity on it whatsoever. If we had a real good publicity campaign our citizens

of San Antonio would have come and let their remarks be known to the Council and make it a lot easier for you to decide whether we should spend any money on the election or not.

MAYOR BECKER: All right, of course that's entirely possible. Leo?

MR. MENDOZA: Mr. Mayor, the only thing I'd like to say is that Mr. Padilla mentioned earlier he'd make the motion. I think...inaudible... decided to make the motion at Council meeting, of course,...inaudible... Charter Revision. My recommendation was at that time that we probably request a new recommendation of the Charter Revision Committee.... inaudible...and I'd like to just recognize the position on that. I think that the by district in other words would be a good compromise plan that the voters would appreciate....ALL TALKING

MR. MORTON: Well why not give them a choice of going all the way?

MR. MENDOZA: Well, let me explain that Mr. Mayor. I think that a lot of them would like to leave it like this. What I'm saying is I do think this is a compromise plan and they are going to have both. If a person that lives in the City would like to run at large, well they can run at large. But if he wants to run from a district, well then let him run from a district. So, if you give him this choice, in the others you were not giving him a choice.

MAYOR BECKER: Well, that's being just a little bit frank. You're going to be one way or the other. And you're going to, the folks that want it at large, do you feel like if there's 51 per cent of votes want it at large, do you think that that's the way it should be?

MR. MENDOZA: Well....

MR. MORTON: In other words, I'll put it in a little different way. If you would go eat lunch today and just if I didn't want to eat at Annie's, I have to eat there. I could go eat at Luby's if I wanted to.

MAYOR BECKER: I just want to say one thing if I may. You know, I'm beginning to wonder as I sit here and listen to this if perhaps we're not putting ourselves in the position of being judge and jury in every right. And there is a certain paternalistic feeling about this thing that I think is in itself indication of the fact that we're not giving the people a chance to choose their own type of government. I mean we're all trying to select what we think and maybe we have some particular experiences that makes us wiser or smarter or more knowledgeable than those who have never been a part of the City Council or ran for public office. I wonder if we shouldn't give them a choice, give them the range as it were. Well, that's perhaps a little broad base right there. But there's five possibilities there. All the way from total districts, to keep it the way it is, and then the combinations in various thereof lying between. I wonder if maybe if that is really our responsibility. If that isn't, what we should be engaging in rather than sitting up here and trying to make a determination as to what's good for the people, I think, the people should have a right to say what's good for them.

MR. PADILLA: Mr. Mayor, that sounds...inaudible...In the first place, it is the responsibility of the Council to decide what goes on the ballot. That is set out as the responsibility of the Council in the Charter. Now, to that extent, the responsibility is assigned to any governing body or the governing body in a...inaudible...The other way is an observation and that is with the best way in the world to keep things just exactly as they are whether the people want to or not, is to create a confusing type of situation under the guise, whether you intend or not, and I'm sure that you as an individual did not intend to. However, if you give every option in the world to the voters, you are going to create such a confused situation, describing extreme situations, of course, that you're going to wind up with exactly what you...inaudible...the only thing that the voter can do

in self-defense. If he is confused, there's only thing for him to do, and that's what I sometimes do. When I don't see sufficient good reason to vote for it, then I'll vote against it and I think that's the only thing the voter can do. If he finds himself confused for whatever reason or whatever our motive, and when he goes into the voting machine he has to vote no. That maintains what we have which may not be what he wants. He may be for some change, and yet because of the confused situation he may take the position that he cannot afford to express anything but a negative vote.

MAYOR BECKER: If we accept that Al, as a certainty that will be the result.

MR. PADILLA: I think it might, of course, we're dealing with opinions here, yours and mine. I think if the situations becomes a confused situation for the voter, he has to be negative.

MAYOR BECKER: It seems to me that multiplicity of choice of say two or three types of government, as to the number of people or whether they are for being partially at large, partially by district and so forth, the fact is...inaudible...

MR. PADILLA: Well it is a matter of degree.

MRS. COCKRELL:inaudible.....I think it would be very difficult to put five or six questions on the ballot. What we would have to do then is to eventually have a run-off election of some type. It would have to be some type of...inaudible...related choices. However if we're going to do that and we want to get some prior response before deciding the final issue, then I suggest that we take this issue, which is the key issue, and have a group of town meetings again and get the citizens to speak on what they propose be on the ballot and then reassemble as we do have time and we can. We can get a feeling from this and maybe some...inaudible...try to go to the most convenient place in the neighborhood and again publicize that if you want a Charter Revision election. This is it. Come out and let us know what you think about how you prefer to elect your Councilmen and try to get some sort of feedback from that and then make final decisions. I think we can try about six of these in different parts of town.

MAYOR BECKER: Well, the thing is that I'm trying to deal with in my own mind, is if we are indeed attempting to give the government to the people and let them be, let them make their own choice, let them make their own determination of discussing this situation. If this agrees with what we are sincerely trying to do, then why don't we just, you know, so why don't we get on with it and do it and I'm not saying that the meetings wouldn't be a fine thing because I agree with you. So, I think they would be, but to have part, you know, is like saying to some child now, if you're good, I'll give you a pony for Christmas, you know. Well, maybe he wasn't all the way good so you only gave him a tail and, you know, you could run into one of those type of things. So, if we're really talking about letting the people make their own determination of what kind of government they want, and if we think they are qualified to make this determination, just for one thing they are generally speaking, the people in this nation, it's almost 200 years old. We are still surviving what we refer to it as a democratic form of government. It may not be totally democratic and all that but we still have one more democratic than Russia, you know, or some other places. I could think of and perhaps in somewhat close proximity to the United States. If we're going to do this, why not go ahead and do it...inaudible...and that way we really just kind of wiggled out of a wide place in the fence, you know, that's what it seems to me. So, I think that, excuse me sir, I think Dr. San Martin was first and then Leo.

DR. SAN MARTIN: I'd just like to ask Mr. Crawford Reeder a question. If we put on the ballot either yes or no, are you for districts for

City Council Election yes or no. Then could we come back to the City Council and waive without any further and just say we will have all 11 or.....

CITY ATTORNEY REEDER: Now, what we have here. You have to set out the amendment, and have the phrase. I was thinking about what you were thinking. But you have to set the amendment out. We might run into some difficulty, even if you all could agree on what you want to do, we're gonna have a little trouble. I'm just going to have to almost rewrite the City Charter because there are a lot of other provisions besides the provision about 9 Councilmen and the at-large.

DR. SAN MARTIN: Do we have any problems, if you say are you for 11 districts for City Councilmen?

CITY ATTORNEY REEDER: Well, we have to print it on the ballot the way it's gonna read in the Charter. We can't have a referendum where we say to the voters you all let us know whether you want districts or not or words to the effect. You have to put it in there the way the Charter is going to read. And that's going to be a lot of trouble...

DR. SAN MARTIN: You could say that City Council will consist of eleven members elected by districts.

CITY ATTORNEY REEDER: Yes, you could do that essentially. Then you would probalby have to submit some other proposals along with that because the provisions of the City Council and its membership by vote of election can't be separated from some of the other procedures. Mr. Cosgrove wrote down about eight other provisions that overlap into all of this, you see. So we're almost, if we're going to do anything as drastic as change the number of Councilmen and the mode of their election, we're almost going to have to rewrite the City Charter, which means you have a different procedure. There's a different procedure for submitting, for adopting a Charter on the one hand then there is for amending it on the other. This is something that has lurked in the back on my alleged brain now for about three months and that's why I started writing you all letters in May. Maybe I should have spelled it out. We are out of time is what I'm trying to say, to have it in September. You could shoot for November and maybe we might have it straightened out by that time if you all agree on what you want to do.

DR. SAN MARTIN: What I'm trying to find, Crawford, can you incorporate both changes in one question?

CITY ATTORNEY REEDER: No, it says every amendment submitted must contain only one subject.

DR. SAN MARTIN: First the number, then the way they are elected.

CITY ATTORNEY REEDER: That's right. And then you may have people saying yes on eleven and no on districts. And then you just wind up with two more Councilmen and you haven't done what you wanted to do.

MR. PADILLA: Well, would the gentleman yield?

DR. SAN MARTIN: Yes, sir.

MR. PADILLA: Crawford, along with Dr. San Martin's question, no this is not a series, it's one. Can the issue, example, in one column, so that you can only vote on one, make one selection, can the issue be put in one column, for instance, example, to leave the Council at nine members at-large. If you vote for it you cannot vote for the next block which will be in the same column which will say to change the Council to eleven members, seven by district and four at-large, for example.

You would have to have a situation. The question is, can you fix the ballot this way so that people can't vote yes, yes?

CITY ATTORNEY REEDER: I don't know. That's Jake's field. He dickers around with the voting machines.

MAYOR BECKER: You can only vote for one guy in a political race where two or three candidates are all running for the same office.

CITY CLERK: Well, you vote for one issue, the rest of the levers are off. You can't pull twice on one issue.

MRS. DUTMER: Mr. Mayor, we also discussed this, I believe I brought it up that when you changed your method of election, when you change the number of Council people that you are going to elect, you are going to have to change the entire Charter. If you are going to hold this election in November there will not be enough room for the candidates plus all the amendments that you are going to have to change in the City Charter.

CITY ATTORNEY REEDER: What you just tried to do, Helen, I think, is to rewrite your Charter. As long as you're at it, you can eliminate about half of it because it is covered by State law, but you got probably a different procedure for doing it. But that way, then you just have one question. Shall the Charter on file in the City Clerk's office be adopted? Or words to that effect.

MAYOR BECKER: Well, I don't know how long these Charter Revision Committees have met. I know that the last Council term we had one, and we had one this time and I don't know how many previous times. There have been Charter Revision Committees meet and deliberate and they give forth a mighty effort and nothing is produced, you know. There's no issue as such. So I would wonder perhaps if maybe we have reached the point of questionable credibility where we continually hold this thing out there and dangle it as a carrot and don't really follow through. It's teasing in a sense of the word and taunting and, I don't know, if we could just agree amongst ourselves if we're never going to do anything about the Charter Revision, the, we wouldn't have to form any more committees. And that would save an awful lot of time, you know, because they met for nineteen meetings or whatever it was, two and three and four hours a meeting, and when we had it we did the same thing, and I wonder perhaps if the public isn't wondering if we don't have a shell game going here of some kind.

MRS. COCKRELL: I want to point out to Crawford, I'm really hung up on what you told us about that you can't change the method of electing the Councilmen and the number without changing the whole Charter.

CITY ATTORNEY REEDER: Well, I won't go quite that far.....

MRS. COCKRELL: This has been done in cities, because Dallas has submitted elections on this. Other cities have submitted elections and they've done it on an amendment by amendment basis, not by throwing out the entire Charter.

CITY ATTORNEY REEDER: Well, I don't know how their charter reads, Mrs. Cockrell, but I probably exaggerated to some extent when I said you would have to change the whole Charter. We are going to have to go through the whole Charter very carefully if we're going to change the mode of election and the number. It gets to the point where you quit amending and you start rewriting the Charter. At some point there it's a little bit vague, but I think you could perhaps make an amendment on it, but it will get to the point where we will need a lot of time to go over it, I mean go over it very closely.

MRS. COCKRELL: I think what makes it so hard that we are trying to

do something that we can't really do it, and I think we need to do it.

CITY ATTORNEY REEDER: Yes, a nice simple way of doing it would be to just--, one thing that's complicating about it and I'm thinking about it in terms of how we're going to draw up the amendment about the districts.

MR. MORTON: The idea is nice and simple and clear cut. You could put it across the board eleven or across the board nine. You might start out not changing the number because you are going to have two amendments. You start with nine and ask if the City Charter should be amended to provide for nine members elected by districts of roughly equal numbers, yes or no. Then if that works two years, then you can change the number. You can't amend this thing for another two years.

MRS. COCKRELL: But those are not the only two choices.

CITY ATTORNEY REEDER: I know they're not, but then when you start getting down to choices and start submitting the number of different choices, Mrs. Cockrell, I'm afraid you're going to wind up with overlapping votes. I can't quite visualize how if we submit two or three different plans for the election, for the part district, part not district, part at-large. We may wind up with conflicts in the result in the election result. We may have two of them carrying the majority. It's quite possible. Those things have happened. Then I wouldn't know where we were.

MR. PADILLA: That's why you have to put them in the same column.

CITY ATTORNEY REEDER: Well, that's the reason why I was asking Jake. I don't know how the voting machine operates. I always just pull one lever and that's generally the hard one to find.

REVEREND BLACK: It seems to me that we have engaged our City as you have indicated in a process of establishing some Charter changes. We have made selections from members of the Council. We have had meetings and they have gone into the public, talked with people. They have come up with some excellent recommendations. Now, it's true, I certainly agree that people have the right to choose what they would like, but amendments have always been very, very, they have been problems to voters. So if they have a problem here, it would not be the first one. As a matter of fact, I have had the suspicion that amendments were deliberately designed to confuse. I'm for some of the choices if it does not have confusion in it. Because again, I think you're frustrating democracy rather than having more democracy and sometimes I get the feeling that when we are moving toward a more democratic system sometimes, I don't know who gets it, who's getting the democracy, I get a feeling that there is more democracy vetoed - (inaudible.) So, I am interested that there would not be any confusion, but whatever is presented would be simple in form and that the people would definitely know. I think because we have gone through our public process, we have the responsibility of saying now. I think we do this, we do this on rates, I don't know, we ask the people about City Public Service rates before we voted. We might not have had to vote - (inaudible.) What I'm saying is that there are so many areas in which we make a decision and submit it to the voters. That voter either votes it down or he votes it out. He either wants it or he don't want it. I think here is an area where, where we've got simply to say, all right, this is what we would like to have. We recommend it not simply as a very nice choice. I think unless we can recommend it as giving some real value to the change in government we ought not to recommend it. In other words, unless there is some real -- our position with reference to eleven, I think would make for better government. I'm not just simply saying that you ought to have -- eleven is a good number, you know. I think over against what I have I say eleven, a change to eleven, I am willing to go from 4-7 because

I think it reflected some public community concern but I say who wants us to make that presentation or another presentation. If you don't feel like the Reverend towards change, it's going to improve it at all, I say let's vote a new council that might want to vote on that. But I don't think we ought to simply say that the possibility of confusing the voters or not assume responsibility for the work of the Revision Commission. I think we ought to assume responsibility for what they have done and go ahead with the, their recommendation, one way or the other.

MAYOR BECKER: Leo.

MR. MENDOZA: Yes, Mr. Mayor, I would like to ask Crawford. You know we have this law suit pending.

CITY ATTORNEY REEDER: I've been trying to forget it, but I can't.

MR. MENDOZA: Well, let me ask you this, now what kind of effect, I know that we can't make decisions to what the judge will do or anything, but assuming that, that the voters of San Antonio would choose to go with a council on this thing, I don't think that really we're that far apart on what we're saying because I agree with him, I don't think that we can endorse any particular plan. I think what we're really committed to is presenting it to the voters.

CITY ATTORNEY REEDER: That's right.

MR. MENDOZA: Adn so I think we're together there. Now the only thing is on the pregnancy act, I didn't understand that because (inaudible)

(EVERYONE TALKING)

MR. MENDOZA: I don't think, Mayor, I don't think that we should say, do you want to leave it as it is, or do you want to change it to this. I think we have a lawsuit pending and we don't know what the outcome is going to be. So for that reason we're hoping that, again, based on these recommendations and the thinking of some of the people that have worked very closely with this it seems to me that it would be a lot more favorable to have a recommendation that was more or less proposed by the majority of the people (inaudible) in going out into the neighborhood and so forth and... If it's going to come before a court, and the citizens of San Antonio have voted for a compromise plan of the at-large and by district, it seems to me it would have a better chance for the judge to rule I'll say hopefully maybe toward that plan. How does this, Crawford, how does this have an effect on the situation?

CITY ATTORNEY REEDER: Well, I don't think we're gonna get our dilemma decided on this law suit because that's - I was telling one of the Council members before the meeting today there is law suit pending at the 5th circuit in Louisiana - I mean the 5th circuit which we are in to 5 to 4 which involved election to school district at-large like we have election to the City Council and 5 to 4 that court held that it was unconstitutional to have them elected at-large. But that was awfully unusual for the 5th circuit because that's generally regarded as, if you'll excuse the expression, a liberal court. That case is on its way to the U. S. Supreme Court and I kind of think that's where we're going to get the decision. I'm sweating that decision out because I think it's going to make this suit here probably academic and our suit here is not going to get tried any way until next year sometime. So what I hate to see is to have you all call an election and arrive at a compromise plan assuming that I can figure out a way to submit the compromise and then have the courts say that's not any good because, according to MALDEF, and they're fairly knowledgeable people some of them, some of their lawyers are actually pretty good, they say it's either got to be all districts or nothing - all or nothing and they said that when it gets down to drawing the district maps, even if it's all districts, that they're going to be down here wanting to draw the line. I don't know whether

I've answered your question or not, but the lawsuit that MALDEF has against us doesn't concern me nearly as much as that lawsuit out in Louisiana that's on its way to the U. S. Supreme Court right now. That's the one that's going to decide it for us I think unless there's one somewhere else in the United States. You see there's been no decision by the U. S. Supreme Court about local elections. It's been about state elections. The argument can be made validly in favor of at-large elections for local purposes. The Supreme Court has already held it's multi-member districts even for state purposes not necessarily unconstitutional. So we don't have a clear-cut situation here as yet and I'm hoping for a very clear-cut pronouncement from the U. S. Supreme Court within the next several months.

MR. PADILLA: What was the decision of the 5th Circuit - did they decide yet?

CITY ATTORNEY REEDER: Yes, the 5th Circuit decided 5 to 4 against the validity of at-large election for school districts. You've got - incidentally, there are two things that you take into consideration here and they're easy to confuse. One is the one man-one vote concept and the best way to have one man - and one vote according to the U. S. Supreme Court is to have at-large elections and obviously, everybody's vote is as good as everybody else's. The other is where you have the contention made that because of the way at-large elections sometimes discriminate against ethnic minorities, which is the situation we had in White against Register which compelled breaking up of Bexar County for legislative purposes into districts. The Supreme Court pronouncements are quite confusing and a little muddled but some clear-cut rules are beginning to emerge and I think I understand them and I kind of think the Supreme Court is going to hold that you can hold local elections at-large and it's going to be okay but if they don't, then you've had your case decided for you. You don't have to amend the Charter. You've already got your Charter amended by U. S. Supreme Court decisions which won't be your case.

MAYOR BECKER: Another thing that Council wasn't being motivated or acting solely out of something that's hanging over our heads theoretically, in the MALDEF suit.

CITY ATTORNEY REEDER: Yes, sir, I just wanted to read that paragraph.

MAYOR BECKER: I appreciate that Crawford, but it has no bearing on my interest in this matter really. Perhaps it should....Yes Jerry.

MR. JERRY HENCKEL: May I say something that might help a little bit, I was on the commission. I'll make three quick points. We were all of the opinion that whatever Charter amendments are submitted should be concise and to the point and not be confusing and it should be as few in number as possible because you have automatic against if it gets confusing and they'll vote it down. Number two, we went through every possible combination of the number of people on the Council, the number of people at-large, the number of people by district, and I will say that I think the 27 members were representatives of the community. We came to the obvious conclusion that all at-large, or all by district couldn't win either way. So if you want to kill any chance of any representation by district, just submit it on that basis. Because the people who would vote for some representation by district, would not vote for some representation by district, would not vote for all representation by district. So you're really not giving the citizens the choice that you suggested to begin with. So this is why we came up with the combination compromise, whatever you want to call it, compromise is probably a bad term, but that's what we use, but it's a combination is a better word. And it is being used successfully in other communities. I think everybody or most everybody, the majority on that commission, I'll put it that way, felt that we should have some representation by district. So, what we came up with was what the group finally decided on after eliminating all the other possibilities.

We feel that it should be submitted on the basis of one particular set of numbers, yes or no, you want to increase it from nine to eleven, yes or no, do you want to have so many at large and so many by districts. We did run this by the City Attorney who's represented at all the meetings. He did advise us, you can't have a multiple choice. We went through that and that would be the best way to let the citizens speak and unfortunately they advised us that it couldn't be done that way. So we feel that it should be submitted very simply and you should finally decide on how you want it, and we feel that if you don't select a combination, that in essence you're not giving the citizens a chance to say whether they want districts or not because we don't believe that the people who want districts but yet there are enough of them are in the majority in this community. Thank you.

MAYOR BECKER: Mrs. Lecznar.

MRS. LECZNAR: I just want to clarify, in addition to what Jerry said, the majority feeling on the committee. Now when we started out - (inaudible) that a combination would be a good way to go ahead with in better government. Now this concept seems to have been really overlooked. A lot of what people talk about indicates that maybe you think the only reason we got a majority vote on this was that it was a quote compromise. And that's not true. There were several of us on the committee who felt that there are advantages to having some district representation, there are advantages to having some at-large, and disadvantages, and that some kind of combination would give more advantages than disadvantages. Really. I sincerely feel that there was I will say the majority vote included some of those who wanted a compromise, but there was a basic feeling too, that this is a positive recommendation and not something we just came up with. I think we had more problems arriving at the numbers, the proportion, than we did with the concept.

MR. HENCKEL: The reason that we finally got to 7-4 instead of what Lila recommended, which was what I was for to start with is that we felt that if the majority were elected by district, should the Supreme Court overturn any of the existing systems and a City had the majority of people in the district representation, that you would be on solid ground. Of course, nobody knows what the courts are going to do.

CITY ATTORNEY REEDER: Well, they wouldn't gyp us any, Jerry. They would give us time to change.

MAYOR BECKER: There seems to be a dominant feeling amongst the Council and the members here, that eleven is the appropriate number. You all express yourselves on that.

MR. MORTON: If we have any districts or all districts. Is that right?

MAYOR BECKER: I will read but I won't use the person's name and I have these five combinations here, by district 7 at large 4, by district 6 at large 5, by district 6 at large 3, by district 11 at large 0, by district 0 at large 9 or 11 or whatever. Now there was a 7 by district, 4 at large and there was 11 and I don't know what that indicates. Then there was a 7 by district and 4 at large and then there was 6, I have to assume by district, 5 at large, and then there was 9, 5 by district, 4 at large, I assume. Then there was 11 with 6 by district, 5 at large, then there was 7 by district 4 at large. Now, 11 seems to be the number if we could just maybe crystalize our thoughts on that one set, one facet to this thing, we might be getting further along in the solution.

MR. MORTON: Excuse me, I didn't quite understand the numbers game that you were playing. I thought what you wanted (inaudible). What you wanted us to do was to get a relationship as far as - you want all by districts or (inaudible)

MAYOR BECKER: I'm thinking, in my own mind I'm thinking of three alternatives. This doesn't make me right and everybody wrong. Keeping it the way it is, changing it to 11 all by district, or a combination of 7 by district and 4 at large. That's three choices and you can vote for one of the three.

MRS. COCKRELL: Well, now that rules out this other possibility.

MAYOR BECKER: Well, I don't know what the other possibility is.

MRS. COCKRELL: You have the 7 - 4. I prefer one that comes up 6 - 5.

MAYOR BECKER: Well, I was just saying in my own, you know, that is I don't want to influence anybody else because my vote doesn't count any more than anybody else's in this instance.

MR. MORTON: We are saying parenthetically that the Mayor is a member of this Council. There won't be 12.

MR. PADILLA: We already decided on that for the next election.

MR. MORTON: I would move that we request the City Attorney to determine if there's any way possible to give the voters three choices. Leaving it at 9, a combination 7 at large and 4 by district, and a third choice of 11 by district.

MR. MENDOZA: Mr. Mayor I'd like to offer a substitute motion. I'm going to read from the committee report to the Council. This is my motion. In response to the desire of the committee to make elected officials more accountable to the people, it is proposed that the number of councilmen be increased from 9 to 11 and further that 7 be elected from single member districts, 3 at large and that the Mayor be elected at large. I'd like to make that motion. Well, I'm just saying that this is a motion that I'd like to present as an alternative to (inaudible).

MR. MORTON: This is an entirely different motion. I would question whether that motion would be in order.

CITY ATTORNEY REEDER: That can't be in order with that motion of yours.

MR. MENDOZA: I am saying again the 9 at large.

MR. MORTON: That motion is in direct conflict with mine and therefore, is out of order.

MAYOR BECKER: Okay, now let's hear what Al has to say.

MR. PADILLA: I think if we are to be confronted by Roberts Rules of Order I can see that for all practical purposes what Leo is suggesting is a different thing to put on the ballot from what you suggested. That is why I say that if we are to be primarily concerned with Robert's Rules of Order then you are correct and he is out of order, I think. I think what you are saying really is, you are moving that we put three different combinations on the ballot and he, in effect, although he has not said so is moving that we put one thing on the ballot. It was implied we keep what we have.

MR. MENDOZA: (inaudible)

MAYOR BECKER: You can say that he proposed two or three. You can say that yours is just one. (Everybody speaking at once) You want to narrow it down let's say you propose two and that you propose one.

MRS. COCKRELL: I have a question. As a practical matter if we had three alternatives on the ballot and no one alternative gets a majority vote, then we'll have what?

MAYOR BECKER: Then you won't have an amendment.

MRS. COCKRELL: Actually, using two or three, I think, gives none of them a chance.

MAYOR BECKER: If I thought that, Lila, I wouldn't be advocating this, but you know, as I said this is just my own opinion as far as that subject.

MR. MORTON: As I view our responsibility on this, we are talking about basic alternatives that seem desirable. We've had two councilmen today that say if I had my way it would all be districts. That's the way they would like to see it. Well, there may be for every one of those councilmen, there may be one hundred thousand folks out there that feel exactly that same way. That's the way they would like for it to be. Why should we pre-judge the ability of the citizen to be able to evaluate this thing.

MAYOR BECKER: I don't think we should.

MR. MORTON: I don't either. I think our obligation is to give them basic choices. Obviously, (inaudible) ten thousand. We've come up with three basic choices. Why should we pre-judge which one they want?

REVEREND BLACK: Let me say this though, certainly I said if I had my way but I also recognize the document and it's gone through a public process, not to try to convince (inaudible) Charter. So, therefore, I think I've got, I mean, there are many things that come up in this Council, if I had my way they would not go the way they go but I'm not here to represent primarily my way. I'm here to also reflect what I feel to be the common concern and common interest of this community. Now I believe that we've established that common interest. I think we have gone through a process that establishes that common interest so, therefore, on that slip I choose 4 - 7, 4 at large and 7 in district. Because it is not my prerogative simply to always say what I personally would like. I am councilman elected here by the people, therefore, I have a responsibility to at least respond in some way to their interest.

DR. SAN MARTIN: May I ask a question of Mr. Mendoza, Mr. Mayor?

MAYOR BECKER: Yes sir.

DR. SAN MARTIN: On your two items, one and two, are you denying the people that want no change a chance to make no change, because if you have one or two, one of the two has to have a majority and, therefore, you are imposing a change even on those who do not want to change.

MRS. COCKRELL: (inaudible)

DR. SAN MARTIN: No, we just said you cannot vote on (inaudible)

MRS. COCKRELL: Isn't it yes/no on each case?

CITY ATTORNEY REEDER: It has to be yes/no on each one.

MRS. COCKRELL: Somebody that doesn't want to change then just votes no.....

CITY ATTORNEY REEDER: Here's a problem that's kind of worrying me. It's kind of a practical problem. Suppose you submit this thing about going from 9 to 11, that's one amendment, and then you next submitted an amendment on breaking your 11 districts up, 5 at large and 6 by district and so forth. Suppose they vote no to that 11, and then vote yes to the next one. You see the kind of things that are kind of bugging me here. We've got to be careful. We've got a purely mechanical problem. I'm not advocating one way or the other. I'm just saying we've got to be awful careful about what we come up here to put on the ballot.

MR. PADILLA: Crawford, instead of going, instead of saying do you want to raise it to 11, suppose they were to vote no on that. They don't want to raise it to 11. Then you were to say do you want a plan of 7 at large and 4 by district, then they say yes, couldn't you then not deal with the number 11 but rather offer 7 and 4 and if they get the majority then we would have to assume that people know that 7 and 4 is 11.

CITY ATTORNEY REEDER: Well, I agree that's common sense, Al, but the court wouldn't base a judgement on a verdict.....

MR. PADILLA: If they approve 7 and 4 but turned down 11.....

CITY ATTORNEY REEDER: We would just have the same Charter we started out with.

MR. PADILLA: We'll have nothing.

CITY ATTORNEY REEDER: All right, at least you have a series of legal questions.

MR. PADILLA: They're inter-related. 11, 7 - 4, they're inter-related.

MAYOR BECKER: You don't have as much problems now as you would have then with the unhappy people.

MR. PADILLA: I think that's why practically every (inaudible). Regardless of our interest in presenting alternatives no one wants to present a confusing issue to the voters.

MRS. COCKRELL: Mr. Mayor, in looking at the poll that was taken, there are a majority of this Council who voted for a combination, is that correct?

MAYOR BECKER: Yes, madam.

MRS. COCKRELL: Okay. I think that we should discuss and try to agree on one combination plan so that we will not have (inaudible). A majority of this Council supported the combination plan, at least let's talk about it.

MR. PADILLA: Could we then say, if we follow your line of thinking, could we say as an example, because we haven't decided what the combination is, as an example, could we say do you want the system of 7 by district and 4 at large or retain the present system? That way it will be one or the other.

DR. SAN MARTIN: I asked that question of Mr. Reeder. He said no that first we have to change the method of election to districting. It's two separate items.

CITY ATTORNEY REEDER: That's what I think. (inaudible)

MR. MENDOZA: What I was saying is that one amendment, you see, in other words that the facts that's why I read it as carefully as I did because this includes not only increasing it to 11 but also a combination of districts and at large.

DR. SAN MARTIN: Well, that's two changes in one amendment.

MR. MENDOZA: All right, but I understood that you could.....

DR. SAN MARTIN: No, Leo, this is just what I asked.

MR. PADILLA: Suppose that we were to submit to the voters two things. Suppose the regular method or 7 by districts and 4 at large and not make any other comment as to changing to 11. It would seem to me implicit in the 11 if 7 and 4 were bought that the number of the Council is changed to 11.

DR. SAN MARTIN: You see, if I follow Crawford Reeder's explanation, you're making two changes in one proposition and this is exactly what the Charter does not allow at this time. You're not only increasing it from 9 to 11, but you're changing it from at large election to a method of combination for districts and at large. So you're actually killing two birds with one stone.

MR. PADILLA: Yes, Mr. Mayor, I believe we're exposed to a situation of very (inaudible).

DR. SAN MARTIN: That's right.

MRS. COCKRELL: May I make this point. If you go to one amendment for the 11 versus the 9 and the second one if you all accept the 6 - 5 method, then you could just word it that a majority of the Council whether it be 9 or 11 be elected at large and that would be (inaudible) if it could stay at 9, that would be 5 by district and 4 at large.

MR. PADILLA: How would that resolve the problem that Crawford Reeder brought up.

MRS. COCKRELL: Because you don't have to say a number. Instead of saying a number, you can say the word majority.

MR. PADILLA: But what does the word majority mean? 10 and 1, 9 and 2?

MRS. COCKRELL: Just a majority.

MAYOR BECKER: All right. Now, Leo.

MR. MENDOZA: Mr. Mayor, I want a better clarification and interpretation of the reasons why we cannot propose three changes. Well, but we're changing the Charter, you see. In other words, we're going to the voters for a Charter Revision.

DR. SAN MARTIN: But we don't have to change the Charter.

MR. MENDOZA: In other words.....

CITY ATTORNEY REEDER: Well, Leo, here's what the statutes that usually controls how you change the Charter - it says, "every amendment submitted must contain only one subject and in preparing the ballot for such amendment it is to be done in such a manner that the voter shall vote yes or no on any amendment without voting yes or no on all amendments". You've got to be able to vote yes or no on any given amendment.

MR. MENDOZA: Well, will you read the Charter amendment on the election of the regular method, the Mayor and the Council members.

CITY ATTORNEY REEDER: You mean the Charter provision?

MR. MENDOZA: Well, the Charter provision.

CITY ATTORNEY REEDER: Now that's a, it'll just take a second.

(Everybody talking at once)

MRS. LECZNAR: There's something I don't understand I am not questioning Mr. Reeder.

CITY ATTORNEY REEDER: I've been questioned a lot of times.

MRS. LECZNAR: Well, the City of Dallas had a Charter election on June 12, 1973, and that had a final provision on the ballot to increase the Council from 11 to 13 members, 8 from single member districts, 4 from members at large resulting in a combination of two districts. I mean it's the most complicated thing you ever saw. You have 1, 2, 3, 4, 5, 6, 7, 8 sections of the Charter in two different chapters.

MR. PADILLA: Their Charter may permit that and ours may not. It would (inaudible).

MRS. LECZNAR: (inaudible) state law, Mr. Padilla, and if it's a state law.

MR. PADILLA: Yes, madam, but all cities have the right to set up whatever practice they want and ours may be different from Dallas as long as they comply with state law.

DR. SAN MARTIN: This Charter may allow more than one subject in one proposition.

MRS. LECZNAR: (inaudible)

CITY ATTORNEY REEDER: It may be too, that they will get in an election contest. We might get by with it. We might do it and nobody complain. Here's what it says about the Charter. It is hereby created and this is the Charter. "There is hereby created as the governing body of the City a Council which will consist of 9 members, each of whom shall be elected to occupy - elected to and occupy a place, said places being numbers respectively 1, 2, 3, 4, 5, 6, 7, 8, 9" and then it sets out the qualifications of the Council and so forth. It's a long provision that provides for 9 councilmen elected by place numbers rather than 11 councilmen elected from districts so you have at least two subjects in that if you were going to change it.

MR. MORTON: Okay. Let me ask you this, assuming that we were able to put three propositions - three choices on the ballot, you're saying you've got exposure there - once you get beyond one subject within any choices but would you not cover that once you have gotten the expression from the people on how they felt about this issue, let's say, and you come back and you modify your Charter and then let's say at the April election you vote for or against the Charter as a whole.

CITY ATTORNEY REEDER: Well, the only trouble with that, Cliff, is you can't amend a Charter but once every two years. A legislature ties, I mean the articles of the constitution ties us up pretty good when they put the home rule in there because in (inaudible) you know, but they just said that you can't amend it - the Constitution says you can't amend it but once every two years and it also says you can't have anything in the Charter that conflicts in any way with state law which means that home rule doesn't mean much. Perhaps I'm getting a little bit off the subject.

MR. MENDOZA: Mr. Mayor, I'm going to again maybe repeat myself for the third or fourth time but I'd like to make sure that we research this and find out whether or not the legal or whatever to have the three amendments or the three propositions rather on the ballot at one time and that's what I'm proposing and that's what I read from here according to the recommendations of the Charter Revision at my substitute motion. I don't know what if I've got a second on it, but I'm stating it again that the three propositions increasing it from 9 to 11, election on a combination of by district and at large and that the Mayor be elected at large and that be included in one or whatever.....

DR. SAN MARTIN: (inaudible)

MR. MENDOZA: (inaudible) But we haven't said, we really haven't officially (inaudible).

MR. MORTON: I call for the question on my motion.

MAYOR BECKER: All right. If you will restate your motion so we will remember it.

MR. MORTON: We'll direct the City Attorney to find if there's any way possible that we can do it without confusion. Present three possibilities on the Council proposition, including the combination of 7 - 4, leave as is or 11 in districts.

MR. PADILLA: Cliff, do you want 7 by district instead of at large or do you mean 7 from districts.....

MR. MORTON: 7 at large and 4 by districts.

DR. SAN MARTIN: 7 by districts and 4 at large.

MAYOR BECKER: 7 by districts and 4 at large.

MR. MORTON: No, it seems to me that what we've been saying is that somewhere in the 6 - 5, or 7 - 4, I'll be happy to (inaudible).

MR. PADILLA: What we've been discussing (inaudible) were 7 from districts and 4 at large. You stated inverse figures.

MR. MORTON: That's fine. 7 from districts and 4 at large.

MAYOR BECKER: Or the 11 from districts.

MR. PADILLA: Cliff, would you go far enough to say if your motion gets a majority of this Council, would you go far enough to say that if the City Attorney determines that your motion would be appropriate to put on the ballot, that it would be so done because all you've said so far is that we find out from the City Attorney whether it could be done.

MR. MORTON: No. That's part of it. In other words, let's get down to it. Let them have the choice.

CITY MANAGER GRANATA: Yes, you already decided that the Mayor would be elected at large. You've got 11 districts so who would be the Mayor at large?

MR. MORTON: Well, we're saying 10 is what we're really saying.

MR. PADILLA: Plus the Mayor at-large.

MR. MORTON: Yes.

MR. PADILLA: Sir, are you saying there is 7 from districts and 4 at-large, including the Mayor at-large or.....

MRS. COCKRELL: All by district, then you're not having a Mayor at-large?

MR. MORTON: Yes, oh yes, 10.....

MRS. COCKRELL: Is it (inaudible).....

MR. MENDOZA: Let me just make sure that I understand you. With each amendment gives a majority, 51 percent of the voters?

MAYOR BECKER: You can only vote on one thing. You can't vote on two or three.

MRS. COCKRELL: And it would not be legal to have a run-off between the top two?

CITY ATTORNEY REEDER: I've never heard of having one, Lila. There is no provision for it.

MRS. COCKRELL: Okay, I just wanted to ask.

MR. MORTON: I'm trying to give the people a choice. Why can't you have a run off if this is the issue?

CITY ATTORNEY REEDER: That's true. I don't know, I can't give you an answer except that the statute doesn't say anything about a run off.

MR. MORTON: There's nothing that says you can't.

CITY ATTORNEY REEDER: Well, just a minute. It says that the amendment has to have a majority of the vote.

MR. PADILLA: Yes but how does it say you get a majority?

CITY ATTORNEY REEDER: All right. Here is what it says, this is when you're talking about one subject and the vote is yes or no. It says, "each such proposed amendment if approved by the majority of the qualified voters voting in said election shall become a part of the Charter." So it doesn't make any provisions for any one of them getting less than the majority.

MR. PADILLA: Does it say you can't have a run off?

CITY ATTORNEY REEDER: It doesn't have a run off so nobody got a majority.

MR. O'CONNELL: So you could have a run off?

CITY ATTORNEY REEDER: Well, I don't believe that you could, Mr. O'Connell, I don't think there's any way. I think each amendment has to depend on its own, has to stand on its own feet and has to have 51 percent or something more than 50 percent.

MR. MORTON: Mr. Mayor, I would like to amend my motion by asking the City Attorney to be innovative and creative in finding a way to do this. That's really what we're asking him to do is right now, he's sitting there looking at the book. I find it very hard to believe that the state law prohibits a run off.

CITY ATTORNEY REEDER: Well, the only reason in having a run off is to take it when nobody gets a majority.

MR. MORTON: That's exactly right and so then you get the amendment and then you only have two issues.

CITY ATTORNEY REEDER: Yes, but here you have to have a majority or you don't have an amendment.

MR. MORTON: You don't have one.

CITY ATTORNEY REEDER: I see, I got you.

MR. MORTON: Crawford, I'm simply saying that okay, you don't have a majority but you've got the two highest. You take the two highest and you have an election for this one issue.

CITY ATTORNEY REEDER: That's right. I see, I got you. I can come up with that right now. I could just arbitrarily because it makes sense to say we did do it. It makes sense but the only trouble is that we're leaving ourselves wide open for an election contest.

MR. MORTON: Can't you have an election 30 days later on this one issue and you get a majority on it, do you think you'd have a contest?

CITY ATTORNEY REEDER: I'd say there's a good chance. I don't know whether you would or not.

MR. PADILLA: It says, "the issue must have majority at this election", it would be a matter- if it was challenged -of whether the courts would hold the election plus a runoff to be election or whether the court would find there were two elections, and say you did not have a majority at this election.

MAYOR BECKER: The problem is that you get hung up on prejudging what might take a vote and what might take place may not.

MR. PADILLA: That's right.

MAYOR BECKER: So you have a motion and Dr. San Martin seconded it. Now are you all ready for the question?

MR. PADILLA: What are the combinations that we're voting on.

MAYOR BECKER: Let's get a sign.

MR. MORTON: Okay, including the Mayor every time we're talking about the whole Council. We're talking about 9 at-large, including the Mayor. We're talking about 4 at-large including the Mayor, and 7 in districts. We're talking about 10 from districts with the Mayor running at-large.

MAYOR BECKER: Wait, Cliff, I think you got them in reverse order again. I think it's 7 by district and 4 at-large including the Mayor the Mayor is included in the 4. Then the third part of it is the 11 by district, which is.....

MR. MORTON: 10 by district, Mayor at-large.

MAYOR BECKER: All right. It's 10 by district. Now does everybody understand the motion? (Inaudible) I'd like to elaborate on that subject but I don't think it's fair to today because there are times when I have a hard time getting certain things. Some days we're a little sharper than we are other days or maybe our mind is preconditioned to the acceptance of something and we don't come with all the flexibility of.....

REV. BLACK: I think that it's real confusing, I think it's just plain confusing.

MAYOR BECKER: I'm not confused myself because I kind of agree with Cliff on this thing. Yet he and I haven't discussed it. It's a strange situation but I wasn't talking about today at noon, I was talking about City Public Service. Some of the Councilmen were with me. It's something that has to do with the papers. All right. The motion has been made and seconded. Is there any further discussion on the subject? All right. You want to call the roll, please Mr. Inselmann?

CITY CLERK: (Roll Call Vote) AYES: San Martin, Becker, Morton, Padilla; NAYS: Cockrell, Black, Lacy, O'Connell, Mendoza; ABSENT: None.

CITY CLERK: Motion failed.

MRS. COCKRELL: Mr. Mayor, I think we ought to look for an alternative. I move in the alternative that the person.... I would like for the Council to discuss the alternative of placing one option on the ballot that being that the combination plan and discussing among ourselves whether we recommend 7-4 and 6-5, whatever the majority opinion. We would place that on the ballot as an option to the voters. If anyone prefers to keep the status quo, they simply vote no and if they don't like the option, they can keep the status quo. So I would like us to consider that and see what the majority thinks and I'll go along with the majority. It's (inaudible).

MR. PADILLA: Is that a motion?

MRS. COCKRELL: Can we discuss it and then make a motion?

MAYOR BECKER: I can only say this about it that I don't have the.... (inaudible). I don't think we're reaching halfway to the halfway house, so to speak, and without really doing what I think would not necessarily be charged with by Charter Revision Committee but charged with what is morally and ethnically right. That's my whole feeling of the thing.

MRS. COCKRELL: I disagree totally, Mr. Mayor. I know that we should not say that it is not morally or ethnically right to give the voters a chance to vote on something that a Charter Revision Committee has spent much time on and the basic plan is what we're submitting. My only question is one difference in the numbers and we've had this Charter Revision Committee resolve and pledge to try and to support to bring the recommendations up for a vote and now to say that it is not morally or ethnically right to let the voters vote on them, I just can't agree with that.

MAYOR BECKER: I think that really, if you'll pardon the expression, we have been dealing with more or less dodging the real issues and we're trying to find the in-between solution to this thing and it's better than none at all.

MRS. COCKRELL: I disagree with that. I'm totally opposed to all by district. So I think there should be some other choice for me. If I can support all by district, well, then I think there should be some option for me to support something I think is viable.

MAYOR BECKER: Well, I'm not saying that you're not right, Lila, I'm merely saying that I'm sorry that we're not going the other route for the simple reason that I think we gave the people under that plan, we would have given the people total choice and this way we're giving them half a choice.

MRS. COCKRELL: I think it's really against any possible...inaudible to go the other way around.

MR. PADILLA: I think the Council has...inaudible...the concept presented by Councilman Morton in his motion and supported by the Mayor and myself and someone else. We wanted, we extend several options to the people that have failed. Therefore, in an effort to arrive at some type of solution I want to support Mrs. Cockrell's idea that we submit and the present method is inherent in anything we submit. The voters might with...

MR. PADILLA: ...inaudible...sufficient negative votes, just keep what we have. So it's always possible that that's what we want to get anyway. Concepts of several alternatives have failed. I like to work on with Mrs. Cockrell hopefully and a majority of the councilmen in trying to arrive at a number and then place on the ballot what the majority of the Council supports either five and six or seven and four as the case may be.

MAYOR BECKER: You know what I'm trying to say, Al, and I'm not pressing the matter unduly, I don't think, others may think I am, but I don't believe I am now with just that much of a choice, people may not think it's worthwhile to that extent. In other words, and to put it in a childish analogy, you say, if you come over my house today, I'll give you fifty cents, you know, well I have to walk a mile, half mile, two miles, and I make up for, no I don't care to, it's not worth it. But if you said come over to my house, then I'll give you a dollar bill, now that's going to motivate me possibly, you know, and that's the only thing I'm trying to say.....(EVERYONE TALKING).....

MRS. COCKRELL: I move that we place on the ballot a single option of a combination plan to the voters. Insofar as the method of selection of the Council.

DR. SAN MARTIN: I second that.

MRS. COCKRELL: We'll fill that in the second...inaudible...

MR. PADILLA: I'll second that...

MAYOR BECKER: All right, it's been made second. You're not....

MRS. COCKRELL: This is not the final thing, in other words if it passes, then we would have to agree with a seven/four or six/five.

MAYOR BECKER: By your motion, are you excluding the possibility a person will have the opportunity to vote for all by district?

MRS. COCKRELL: Yes. Or to reside in the district to be voted on at large or anyone of about twelve different other combinations that we could pick up.

MR. PADILLA: Lila, just as a matter of information, your motion is that we endorse a concept of a combination. The numbers are left blank?

MRS. COCKRELL: Fill those in in just a minute.

MR. PADILLA: All right, now would your motion also include this that in the case of candidates from districts, that they reside in the district. Okay I see.

MAYOR BECKER: Well, I'm gonna vote for changing the numbers and I'll pre-announce my intentions, then I'm gonna vote against the motion and hope that we can re-introduce Cliff's motion again. You see, I'm just being very honest with you. All right. Call the roll, will you please Jake.

ASST. CITY CLERK GARLAND JACKSON: Dr. San Martin?

MAYOR BECKER:numbers.

MRS. COCKRELL: This is on the option of the combination plan only.

MR. JACKSON: Dr. San Martin: Yes; Mayor Becker?

MAYOR BECKER: Let me understand this if I may. I don't want to get hooked up here with something I'm not in favor of. You're talking about just changing the numbers only. Now, is that right?

MRS. COCKRELL: I'm talking about as to the method of selection of the councilmen.

MAYOR BECKER: Yes.

MRS. COCKRELL: To present one option to the voters on the ballot. That option would be a combination plan that we would fill in the number, it's in the second round if this first one passes and I think your vote is no.

MAYOR BECKER: No.

MR. JACKSON: Rev. Black: Yes; Mr. Lacy: No; Mr. Morton: No; Mr. O'Connell: Yes; Mr. Padilla: Yes; Mr. Mendoza: Yes; Mrs. Cockrell: Yes. Motion carried.

MAYOR BECKER: All right.

MRS. COCKRELL: Seven/four or six/five.

MAYOR BECKER: Six/five or seven/four issue, all right.

MR. MENDOZA: Mr. Mayor, I would like to submit a motion. That you would make it seven/four as recommended by the Charter Revision Committee.

MAYOR BECKER: There would be seven by districts, three and the Mayor at large.

MR. PADILLA: Seven by districts and residing within the district.

MAYOR BECKER: Yes and...

MR. PADILLA: And three at large...

MR. MORTON: Three at large will make it four including the Mayor.

MR. PADILLA: I second that motion.

MAYOR BECKER: Any discussion? All right, you want to call the roll please, Jake.

MR. JACKSON: Mayor Becker: Yes; Rev. Black: Yes; Mr. Lacy: Yes; Mr. Morton: Yes; Mr. O'Connell: Yes; Mr. Padilla: Yes; Mr. Mendoza: Yes; Mrs. Cockrell?

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MRS. COCKRELL: Well, I prefer six/five and I'll tentively vote no, although I will go to the majority.

MR. JACKSON: Dr. San Martin?

DR. SAN MARTIN: I go for a six/five too, but I'll go with this. I vote yes.

MR. JACKSON: Motion carried.

MAYOR BECKER: Okay, all right. Let's see there's one place for you, one place for you, where's the third one gonna be? Well, they have a choice. Between that or what we had.

MR. PADILLA: From what we had there's always something you can keep.

MAYOR BECKER: All right. You all want to discuss any other things of this today?

MRS. DUTMER: There are one or two other things that I think need to be looked at, Mayor.

MAYOR BECKER: Helen.

MRS. DUTMER: The way our Charter is currently now, you are going to have to furnish the...inaudible...number because we are currently... inaudible...where it is written paragraph, section at a time, section and paragraph at a time. And each one has to be changed all right. Now after you get through with your numbering, then you're going to have to decide how your Mayor is elected. You're gonna have to change that. After you decide that, you're gonna have to delete and add anything that would make that a liable...inaudible...There's gonna be many, many changes before you get through. So practically, Mr. Reeder is right. You're going to have to really change that Charter almost completely.

MR. REEDER: Can I have a little time?

MR. PADILLA: You have till tomorrow noon, Crawford.

MR. REEDER: I wasn't doing all that talking because I really believed all that baloney. I was just trying to head off a Charter Election. Now, I was sincere about most of it but Helen is right. It's going to take a lot of research of this thing. We're not gonna have it in shape to submit to the voters any time real quick.

MAYOR BECKER: It is not a simple matter.

MR. REEDER: I know it.

MRS. DUTMER: Statement inaudible.

MAYOR BECKER: I would think so. No reason to put it off forever. No, can you do it by November?

MR. REEDER: I think so.

MRS. COCKRELL: It would conflict...inaudible...in November. It also insures a larger percentage of an electorate turning out.

MR. PADILLA: Lila, let me ask you a question. When you say by November, you mean combining it with the state election? Is that possible?

MR. REEDER: We checked it, we couldn't find the reasons why not. Jimmy Knight said they will cooperate on the machines.

MRS. COCKRELL: Then you're going to have to decide everything right down the line.

MR. PADILLA: We have to have the ballot 30 days ahead, don't we?

MR. REEDER: We've just got about a month to finish our work on it.

MRS. DUTMER: For example, your Mayor. He is elected at large. Now the City Council elected. You cannot make further change to that Charter to conform with what you mentioned that you were just taken without taking each and everyone of these clauses and having submitting it to the voter.

MR. PADILLA: And we still may have a lot of confusion. Suppose the voters decide to leave a regulation like it is, and yet approve the other numbers, you see. Or they turned down eleven members but they agree to seven/four. What do we do then?

MRS. DUTMER: ...inaudible...If you elect your Mayor and your Council members, you have to determine now, how you want to elect your Mayor Pro Tem also.

MR. MORTON: Could we address the next question please, starting with the Mayor.

MR. PADILLA: We have to remember one thing, Cliff, if I may. Anything we don't address stays like it is. For instance, a matter of vacancies, we may be of the opinion that if voters approve seven/four, that a vacancy created by the resignation or death or removal of some one from a district, we may feel, you know, as councilmen, that it should be held in a different way than it is now, but if we don't address that issue and if the voters don't approve some alternate method, then it stays just like it is. The same with the Mayor Pro Tem if we decide not to address that issue and the Mayor Pro Tem is elected by the Council just as he is at the present time.

MRS. COCKRELL: And also your Mayor, Al, your Council....

MR. PADILLA: If we decide to elect a Mayor at large to propose that the Mayor be elected at large, if that is turned down, the election of the Mayor stays like it is, by the Council.

MRS. COCKRELL: My opinion is that it is easier and better for the Council to fill the vacancies...inaudible.

MR. PADILLA: I'll grant you that it may not, it may not be consistent with the way a lawyer would do it, but it would seem to me that if the people of San Antonio shows seven for district and four at large, it would seem to me that a Council, any Council, would read the wishes of the voters and fill a vacancy of a district member with a resident of that district. Otherwise, it would be defeating the purpose. They wouldn't come along and replace someone that resigned from Harlandale with someone that lived on the North side of town.

MRS. DUTMER: Say that again, Al.

MR. PADILLA: What I'm saying is perhaps to prevent confusion, I'm sure that a lawyer would want to tidy it up in going to the method of replacing a member from a district. A lawyer would probably say that to replace a member who resigns and leaves the Council from a particular district, district A or district 1, that he would incorporate into the Charter, I hope that the voters will incorporate into the Charter, the method thereby, so to speak, in other words, the Charter might be amended to say if someone quits from a district or resigns from a district, then the replacement must be a resident of the district. But I think if we get into all of that we're going to create a real hodge podge.

MRS. DUTMER: Al, if you don't, your districting method has gone to pot. If you don't address that, your districting method is hanging fire because that leaves Council open to appoint anyone from this City to take...inaudible.

MR. MORTON: Well, what you are saying simply is this that in case the replacement, the replacement doesn't have the same requirements as far as residency as he would as if he had been elected all the way.

MRS. DUTMER: I'm not saying that you have to address all these things. I'm not saying anything specific just that you have to address each and every one of these separately in order to have a viable Charter.

MRS. LECZNAR: We were advised by the City Attorney's staff that were present when we were discussing this in Charter Revision Committee that the way the section in the Charter is now written pertaining to vacancies it says, "the successor shall possess all qualifications required for the office." And this automatically would mean that a district race, that would have to be filled by someone who resided in that district if you already have in the Charter originally, you know, that was filled by election. So it is already in the Charter that way.

MR. PADILLA: I see that point. The replacement would simply have to have the same qualifications as if he had been running in the election.

MRS. LECZNAR: Right.

MR. MORTON: Are we saying that even though the Mayor is elected at large, that the Council has the power to fill the vacancy?

MR. PADILLA: Not the Mayor's vacancy.... (ALL SPEAKING) You have something in the state law, the reason for two year Council terms is because state law requires that if an elected term runs over two years and there is more than a year to do, that you have an election in case of vacancy. However, you don't have to have an election when you deal with an elected office of a term of two years or less. That's why this Council can legally, that's why this Charter can legally call for Council replacing, naming a vacancy or filling a vacancy. If the Council term is one day over two years, you could not do it because it would conflict with state law. I think in the case of the Mayor, if the people were to decide to elect the Mayor at large, then the Council unlike at the present time, the Council could not fill a vacancy. Right now, the Council elects the Mayor.

MRS. LECZNAR: I can't understand why they can't fill the vacancy.

MR. PADILLA: Because the people now elect nine Council members at large but the Council elects the Mayor. You see. You can change the Charter, well if you address the issue and it's approve, well you can do it anyway. But if you didn't address the issue and simply elected the Mayor directly, then the Council, in my opinion, wouldn't have any authority to replace him.

MR. REEDER: In the paragraph here, it says, "should the vacancy occur.."

MR. PADILLA: It also says somewhere else that the Mayor serves at the pleasure of the Council. If I elect the Mayor directly, he wouldn't serve at the pleasure of the Council.

MR. MORTON: I think that's understood. We select our Council but not our...inaudible...if there is a vacancy. I don't see that we have consistency in having Council replace the Mayor in case of a vacancy.

MRS. DUTMER: I think...inaudible...all of you are a little bit off base. If you'll read the Charter it says, "the Mayor Pro Tem immediately assumes the Mayorship." He does not, the Mayor Pro Tem does not serve at the pleasure of the Council. Since all of you were elected at large we could let it go around the table that way, but legally you are illegal right now by letting your Mayor Pro Tem serve three...

MR. PADILLA: The Charter does say the Mayor and the Mayor Pro Tem shall serve at the pleasure of the Council...

MRS. DUTMER: The Mayor serves at the pleasure, the Pro Tem does not. Read your Charter.

MR. PADILLA: Helen, any time that you elect someone, if you want to you've got the right to fire them.

MR. MORTON: As I see it, we are not here today to go through page 1 through 50...inaudible...If we do that, Helen, we'll be here from now until November. All I think we're doing is taking the broad cut and turning it over to staff and say, okay, what kind of problems does this create now? The issue here is forgetting what the present Charter says, the question of replacing the Mayor. Do we have to have an election? Or can the Councilmen...Crawford?

MR. REEDER: What are we going to do about replacing the Mayor if he's elected at large? We're going to have to put a provision in there in the amendments, or maybe have another amendment, I'm afraid.

MR. PADILLA: If we don't address the issue, it will stay as it is, won't it?

MR. REEDER: The Pro Tem would succeed if he dies or resigns.

REV. BLACK: If we could select a Councilman as a Mayor Pro Tem, select that vacancy.

MR. REEDER: You're starting to see what I mean. This is going to take us some time, I mean upstairs. It's going to take us some time.

MR. MORTON: Again, though, you don't have to be hooked with any issue either. For instance, as a practical matter many times Pro Tem is not the guy you would have as the Mayor, under any circumstances. Experience with him for a year from the time you were elected, you have the Mayor dies all of a sudden. It might be the entire wish of the Council that this man not be the Mayor. Why would you want to saddle yourself with that kind of a question. We are changing it. Just because you've given us these issues, Helen, doesn't mean that we can't change others. I'm saying that this is something that should be changed. Let's face it...

MR. PADILLA: In other words, at the pleasure of the Council. That takes care of it.

MR. MORTON: As far as I'm concerned.

MR. PADILLA: You see under the present Charter the Mayor Pro Tem would succeed to the Mayor's office. However, he could succeed to the Mayor's office for five minutes and then someone else could be named under the present Charter. Right now the Mayor can be changed and we're speaking of what the Charter says and not the wishes of the Council.

MRS. DUTMER: ...but...inaudible...serving at the pleasure of the Council.

MR. PADILLA: What's that Helen?

MR. MORTON: Mr. Chairman, I would move that we submit the issue on filling the vacancy of Mayorship by the majority vote of the Council and that's the issue. That will change the Mayor Pro Tem...inaudible... or else you'll have a conflict. And so the conflict will be cleared up on the question of Mayor Pro Tem taking...inaudible...

MAYOR BECKER: We have a motion...

MR. MORTON: ...inaudible...vacancy the majority of the Council elects a new Mayor.

MR. MENDOZA: Let me ask this, I know we have a motion on the floor, but we have two members of the Council...inaudible... Can we take a five minute break?

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The meeting recessed at 4:10 P. M.

* * * *

MAYOR BECKER: Now, then there's a motion about replacement of the Mayor.

MR. MORTON: They're not talking about you, Charles.

MAYOR BECKER: It wouldn't bother me too much at times, I'll tell you. Okay, we're talking about it in the seven/four situation. You heard the motion. Are you ready for the question?

MRS. COCKRELL: ...inaudible...the Council would elect the Mayor from among the members of Councilmen.

MR. PADILLA: I have a question of the City Attorney. Does that motion substantially change what is now the present situation?

CITY ATTORNEY REEDER: The motion to elect the Mayor by members of the City Council.

MR. PADILLA: In case of vacancy in the Mayor's office.

MR. REEDER: Well, that's what I mean...

MR. PADILLA: From among members of the City Council by the City Council, isn't that what we have now?

MR. REEDER: That's essentially what you have now except that you have another man coming up every three months which is a little different probably to what the Charter had in mind.

MR. PADILLA: Well, if the motion that Lila made, Crawford, were to be submitted to the voters and approved by them, would it change the status of the Mayor Pro Tem?

MR. REEDER: You're talking about the Mayor. Lila's motion was the Mayor.

MRS. COCKRELL: Statement inaudible.

MR. PADILLA: All right, let me ask this, I'll ask the same question but in a different form. What does the present Charter provide for in terms of succession of the Mayor's office?

MR. REEDER: I'll read the Charter. "Should the vacancy occur in the office of the Mayor or in case of the absence or disability of the Mayor, the Mayor Pro Tem shall act as Mayor for the unexpired term and during the absence or disability of the Mayor." Excuse me, I'm reading the wrong thing. "At the same time the Mayor is designated, another member shall be designated as Mayor Pro Tem but that's where the Council... inaudible...So we've got to make some provision here for election of Mayor Pro Tem. It's a little different from the way it is now or at least we have to rephrase the language we've got here.

MR. PADILLA: Then we have two issues. We have replacement in the event of a vacancy in the Mayor's office and we also have the separate issue of the Mayor's absence.

MR. REEDER: We can leave the Mayor's absence like it is. That was what I read first, we can leave that like it is, but you have to change the provision about having the Mayor Pro Tem. You don't necessarily have to. You can do it the same way but I've got to change the grammar.

MR. PADILLA: I think what Lila's motion incorporates is this. The motion is credited to Mr. Morton and Crawford's...inaudible...The situation would be that in the event of a vacancy in the Mayor's office then the Council makes a motion to replace the Mayor from its membership and that might or might not be the Mayor Pro Tem in office at the time the vacancy occurs. In the event of just an absence or an illness or a temporary disability, the Mayor Pro Tem will continue to function as the Mayor during that time.

CITY ATTORNEY REEDER: Yes, subject to removal until that time. Yes for the unexpired term.

MAYOR BECKER: Are there any further questions? Are you ready for the question? Call the roll, Jake.

CITY CLERK: (ROLL CALL VOTE)

AYES: Black, Lacy, Morton, O'Connell, Padilla, Mendoza, Cockrell.

NAYS: Becker.

ABSENT: San Martin.

* * * *

MRS. DUTMER: I have a question that I'd like to make. Is the Mayor going to be the person that's elected at large by the electorate or is it going to be the person that's...inaudible...

MR. PADILLA: It will be only someone from among the members of the Council.

MRS. DUTMER: It seems to me you're doing your voters an injustice because they had a chance to vote on the Mayor at the at large election. Each one had a one man and one vote concept. Here we are going to take it away from them.

MR. PADILLA: The motion has passed. If the Council in its wisdom if this would occur, if they would identify someone which should be the Mayor...inaudible...

MRS. DUTMER: Well I'm not worried about this Council. There are going to be other Councils.

MAYOR BECKER: What else did you want to discuss today? What about.. where are we?

MR. O'CONNELL: Mr. Mayor, I think we could address ourselves to the Mayor Pro Tem. May I ask the City Attorney if the Mayor Pro Tem could be a temporary, it could be a temporary post, since you are going to have a new method of electing Mayor? It says here on page 23, it shows how Mayor Pro Tem is elected.

CITY ATTORNEY REEDER: Well,...inaudible...at the same time the Mayor is designated another is designated as Mayor Pro Tem. I guess you could put a provision in there that you have to designate a Mayor Pro Tem at the time he takes office like you do with the Mayor now.

MR. PADILLA: Crawford, doesn't the present system allow...inaudible latitude...inaudible...

MR. REEDER: I don't think,..I've said worse things. I think the the present method is illegal.

MAYOR BECKER: It works like a charm.

MR. MENDOZA: We have to resolve this problem Mayor, because if you happen to leave the country, I wouldn't know what to do.

MRS. COCKRELL: Mr. Mayor, couldn't we just have an article that would say the Council would select the Mayor Pro Tem who would serve in the absence of the Mayor but not to say anything about repeating the office or providing otherwise.

MR. PADILLA: Do you provide succession when you say in the absence of?

MRS. COCKRELL: I don't think so. I think that, Crawford, can you make up a nice wording?

CITY ATTORNEY REEDER: I'll think of some way to say it if that's what you all want to do.

MR. O'CONNELL: We'll eliminate the unexpired term....

MAYOR BECKER: Okay, do we want to delve into that any further? What about the terms of office, have you discussed that? I'm getting back into this other thing now.

MRS. COCKRELL: I think that the Charter Revision Committee recommended keeping it at two years.

MAYOR BECKER: All right, we're going to keep it at that. I think two years of this is...inaudible. I think the people ought to have a chance to throw us out every two years if they don't like us. Making a career out of this is something else.

MRS. DUTMER: Our reasoning behind that was because of the mandate that we had to have an election in a two year period.

MAYOR BECKER: Do you want to discuss the form of ballot or any of that or filing fees?

MR. MORTON: Mr. Mayor, let me ask you. Back here we covered through item five, is that right? Item six, City Residency Requirements. Did we address that?

MAYOR BECKER: I don't think so.

MR. O'CONNELL: I think we did.

MR. PADILLA: I asked you, when considering Lila's motion, I asked the question, do you mean for candidates representing districts to live within that district and Lila answered yes.

MRS. COCKRELL: Yes and I think that....

MR. MORTON: Striking even beyond that, is there a time that you have to live there or should a person be able to move in from Houston this afternoon and file for office in the morning.

CITY CLERK: It was one year, I say was, and of course, it is still in the Charter and the Committee recommended that it stay one year. However, you want a residency requirement in the district also. Maybe Helen can explain that.

MRS. DUTMER: Six months was our recommendation, and that they reside in the district. If they remove themselves from that district it automatically removes them from office.

MAYOR BECKER: What if they were forced to evacuate the area or something?

MRS. DUTMER: Mr. Mayor, if you stop and think seven districts for City of this magnitude is not very many. Those districts are going to be mighty, mighty large. I think that he will be able to find another residence within that region.

MAYOR BECKER: Alright now what's to preclude changing the district in the middle of the tenure of office? Now what do you keep your office, what happens about that sort of thing?

CITY ATTORNEY REEDER: Well, that relates in the next election.

MR. PADILLA: You keep your office until the next election.

CITY CLERK: The change wouldn't be effective until the next term of office.

MR. PADILLA: When the boundary lines are changed, then if the boundary line changes and the particular office holder finds himself outside of the district, then he has the opportunity of holding office or hold the office til the next election. At which time he has to be a resident of the district.

MRS. DUTMER: The only thing that would preclude him from holding it would be if he himself of his own free will and volition should leave the district.

MR. MORTON: (Inaudible.)

CITY CLERK: Mr. Mayor, one other thing on this residency requirement and I think that we will need to know this. Assuming that the amendment passes that you have districts, that the candidates, the residency requirements for the initial election. I think what was it....

CITY ATTORNEY REEDER: I think that would be waived on the first election.

CITY CLERK: That you waive on the first election the residency requirement would be waived so that they could, you know, move into that district. Run for that district, but after that they would have to live in it.

MAYOR BECKER: Okay.

MR. PADILLA: Rather than, Jake, rather than waiving it, could we not say the time limit is waived as long as the candidate lives within the district at the time of filing deadline for the initial election.

CITY CLERK: Well, that's what we need to know so that we can write it up that way, Al.

MR. PADILLA: I think instead of waiving altogether, we should say that the candidate live in the district on the day that he files.

CITY CLERK: For the first election.

MR. PADILLA: Yes, for the first election only, subsequent to that would be six months.

CITY ATTORNEY REEDER: Well, you don't have to make the guy have to move just so that he can run for office.

MR. PADILLA: Mayor, last year in the state representatives election (inaudible).

(EVERYONE TALKING)

MAYOR BECKER: Alright, what did you want to talk about next?

MR. O'CONNELL: Did we ask anything about if he should move out?

(EVERYONE TALKING)

MAYOR BECKER: Then he vacates his seat.

MRS. DUTMER: Mayor, Mr. Mayor.

MAYOR BECKER: Yes, madam.

MRS. DUTMER: There was one question that really concerns the Charter Revision and time is the time element for filing and to keep this, what do we say, this conglomerate of people from getting in on Jake, you know, and just tearing up his office and everything else trying to get in there. Well, the reason I believe....

(ALL TALKING)

MAYOR BECKER: If you want to address yourself to this problem you'll have an engineer, a structural engineer to examine that door system and everything up there and the partition walls and see if they're strong enough to withstand all this onslaught of people in the crush on there at one minute to twelve. I almost got, run over there.

MR. PADILLA: Mayor I was going to change your name to the Dallas Cowboys.

(EVERYONE TALKING)

MR. PADILLA: Mayor, what did you all come up with, something like.....

MRS. DUTMER: It doesn't do any good to live in the past, does it.

MR. PADILLA: We could say that you can't change positions on the ballot, you know, closer than 36 hours or something, 72 hours before the final deadline.

MRS. DUTMER: I don't think that was part of the issue. Maybe Jake can clarify, I was looking through here in clarifying a little bit better, it has something to do with the number of days before 60 was it not, Jake?

CITY CLERK: Well, I would just say the time period for filing for office wouldn't start earlier than the 61st day before the election and end 30 days before the election. The ending part of the state law is the beginning part. Like anyone of you come in and file right now if they want to.

MRS. DUTMER: Okay.

(EVERYONE TALKING)

MAYOR BECKER: (Inaudible) that didn't one minute to twelve midnight. And I'll never forget it.

CITY CLERK: Well, we still have the same thing.

MAYOR BECKER: Now, this filing fee thing here. I don't know. I don't know what the commission recommended, the Charter Committee, but

maybe I should ask, but I know what my feelings are.

MRS. DUTMER: Mayor, do you want to know.

MAYOR BECKER: I don't think, I don't think it's that there should be a filing fee. I honestly don't. I don't think that if you call it a democratic process if you charge somebody to run for office. I just don't. I know 99 percent of them don't, you know, and all that sort of thing.

CITY CLERK: Mayor, the committee recommended a hundred dollars filing fee, or a petition. If they don't want to pay the hundred, go out and get a petition with 100 names of voters asking that this candidate's name be placed on the ballot.

MRS. DUTMER: Our only reasoning behind it, Mayor, was to keep people of the Sam Corey and his entourage out. They were not serious candidates.

MAYOR BECKER: I don't think you have to worry about him...

MRS. DUTMER: They really create a lot of paper work and an awful lot of time consuming things that are just foolishness.

MR. PADILLA: He did bring some attractive candidates.

MRS. DUTMER: Well, that's one man's opinion.

MAYOR BECKER: I think it's several men's opinion. A hundred names. Well, that's reasonable enough. I don't think that requires much more effort than \$100 for some folks. Anyway, at least, it's a stipulation of sorts....

MRS. DUTMER: Well, my reasoning behind it was that if you had done your homework and you agree to do it, the people in your district, your \$100 will be there. It's not going to hurt anybody.

MAYOR BECKER: At one time it was looked upon as a means of limiting participation, in my opinion, at least that's the way it was devised. I don't think you all are attempting to limit participation. Some folks down have \$100 right in their pockets. One hundred names though, they should be able to get one hundred names. What do the rest of you all think about that?

MRS. COCKRELL: You know, the problem is we want every person who is really serious to be a candidate to have full access to running. The trouble is we think of it from the voters' point of view. Particularly the people who don't have a lot of time to study the issues. When we had seven and eight candidates on nearly every Council seat, it was so hard for them to even find out who the people were. Then on top of that it's an open invitation. Every election you have more problems. Maybe the next time, there will be seventy or eighty. There's no limit to how many file and it's real hard to weed it out for the voters.

MAYOR BECKER: How many did you have last time Jake?

CITY CLERK: It was over 60.

MAYOR BECKER: Leo had ten in his race, and I had to use two columns.

MR. MENDOZA: Well, you all left me out every where else. What's the alternative to that?

CITY CLERK: This would help out tremendously, Mayor. This filing fee won't hurt certain people and those that don't have the money, they can go out and get the signatures. It won't cost them any money.

MR. PADILLA: If they can't get one hundred signatures, they are a serious candidate anyway.

MRS. COCKRELL: It will eliminate somebody at the last minute you know, over at five minutes to twelve in a bar somewhere, thought it might be a good idea to go over and file.

CITY CLERK: They must be registered voters.

MAYOR BECKER: How do you all feel about this?

MR. MORTON: Okay, let's take that a step further in the district. Does he get one hundred voters from his district?

MAYOR BECKER: Yes.

REVEREND BLACK: I could visualize that while you would have less candidates, your office would end up with more work. Because while you would maybe miss some of the people that you are talking about, say candidates, you've got to review petitions for 100 voters to find out whether or not these are bonafide voters and you have a goodly number of people who come in with that kind of record. Your office has much more work than simply putting out forms.

CITY CLERK: We will just have to get with it. That's all.

MR. PADILLA: Well, let's go beyond that a little bit. Are you going to preclude any citizens from signing more than one petition?

CITY CLERK: For the same race, yes.

MR. MENDOZA: You could sign up for the Mayor at-large.

MR. PADILLA: Could I sign a petition for two candidates both running from my district?

MR. MENDOZA: No.

MR. MORTON: Why not?

MR. PADILLA: Well, it's a fine point I grant you, but I'm trying to establish it because we have to address the point.

REVEREND BLACK: The candidates could be working together. They can just go down together. Sure, you sign mine and he'll sign his and they'll just go on working together.

MR. PADILLA: The reason I made the point is because an individual might be circulating a petition and unintentionally get enough signatures to not be qualified any more for duplications. In other words, he may have 110 signatures and have 15 names unknown to him, signed another candidate's petition.

MRS. DUTMER: I don't think you would be able to cross reference all of the signatures. I think if they are bonafide voters, they can sign petitions and that's it.

MR. MORTON: I think you have to get back to what is the intent. The intent is to try to eliminate the person who is doing this for some purpose other than seriously running for office. I think that duplication of signatures, man you could get into all sorts of cans of worms on that. I think if a man had a 100 signatures of people who are qualified to vote for him, that will take care of the at-large and that will take care of the district.

MR. PADILLA: Suits me. Qualified to vote in that election - not the last one.

MAYOR BECKER: Do you have the wording of the last one? I don't

think we're going to cut it down very much with that myself, but you know, it doesn't make any difference. All right, do you have any questions on this filing period, not earlier than 60 days, no later than the 31st day before the election?

MR. PADILLA: Do we want to eliminate the possibility of all these changing of positions at the last minute? That's a question. It does create a great deal of confusion.

CITY CLERK: I don't know how to solve that. Maybe Crawford can tell you. The law tells you, you can file up til 30 days before the election.

MR. PADILLA: Does it also tell you you can change?

CITY CLERK: You can withdraw.

MR. PADILLA: I'm not trying to address filing. A man can file at the last minute, but would there be anything in the state law that would preclude that once you have filed, you have filed?

CITY ATTORNEY REEDER: I don't know if there's anything in the election code or not, Al. I'll have to check.

MR. PADILLA: Would it be in conflict to State law to say this. If you anticipate changing or if you intend to change, you will change at least 72 hours before the filing deadline.

CITY ATTORNEY REEDER: I'll check and see.

MRS. COCKRELL: I think that as long as new candidates can file against a person up until the deadline, he ought to have the right to switch palces.

MR. MORTON: Otherwise, no one will file until the last minute.

MR. PADILLA: I can't argue with that, I think personally that you ought to say I'm going to run for this office and that's it. And then let them come.

MRS. COCKRELL: Well, that may be the way some people look at it. They like to look over the whole field and if they like the different spot better, then they switch.

MR. PADILLA: (Inaudible).

CITY CLERK: Mayor, if we go into districting, they file by district, that's it. You can't be changing places. But the three at-large, can switch. If you switch, from at-large to a district at-large, you've got to withdraw and put in another petition.

MR. PADILLA: You see there are two methods, we cannot have one, two and three. The Mayor will run for Mayor. We've decided that. Then, we could have at least two alternatives. We can have the at large candidates run for place one, two or three or we could have the at large candidates run at large and the top three vote leaders are elected.

MRS. COCKRELL: That would be just a plurality.

CITY CLERK: We can't have that.

MR. PADILLA: Either method can be adopted.

MRS. DUTMER: I think the committee made recommendations on that.

MR. MORTON: What is the recommendation?

MRS. DUTMER: Places 1 through 7 would be the district places. Eight, 9 and 10 would be the at large places. But you would file for one of the places at large, and eleven would be the Mayor's place.

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MR. MORTON: I wonder just trying to get away from confusing this, if you shouldn't designate districts as districts and at large as places. I really think that.....

MR. PADILLA: That's real good.

MAYOR BECKER: Okay, how do they do in some of the other cities when they run at large? Do they just run at large or do they run by places at large?

MR. PADILLA: Mostly they run places at large.

MRS. DUTMER: Then your districts are usually A, B, C, D.

MAYOR BECKER: Yes, identify the districts and (inaudible).

MR. MORTON: Takes out all the confusion.

MR. PADILLA: Let's use numbers so that we don't confuse them with the legislative districts, A, B, C, D. They already have letters. They are all 57, the whole county is 57, then we have A, B, C, D and so forth. Then we've got to use numbers.

MAYOR BECKER: Have anything else to do.....

MR. PADILLA: What kind of gas.....

MAYOR BECKER: All right now, what else is there.....

MRS. COCKRELL: Number 13.

MAYOR BECKER: Yes, madam.

MRS. DUTMER: I would like to see the City save about \$50,000 a year on mailing receipts when someone pays their property tax. This would permit merely the permit, the check to be rubber stamped as a receipt.

CITY CLERK: Instead of mailing back the receipt which is a little higher now, it's ten cents.

MAYOR BECKER: What about that thing of the collection of the taxes in a different form so that you don't have to borrow the money to operate on all year long and wait until pay day comes when the taxes are collected.

CITY CLERK: I think you've got a recommendation from the committee but it's not in group A and B.

MRS. DUTMER: Mr. Mayor, it would probably possibly be easier to change your tax year because you collect your school district taxes and if you change your date of collections of taxes you are going to have an override on your school taxes.

MAYOR BECKER: Well,

MR. PADILLA: You could change the budget year too.

MRS. DUTMER: You could change your budget year rather than your.....

MR. PADILLA: (inaudible) the Charter Revision to change the budget year.

MAYOR BECKER: How many states in the United States do this sort of thing? Are we the only ones? We're the only ones that anybody seems to know of that does things this way.

EVERYBODY TALKING AT ONCE

MAYOR BECKER: Number XI here is what we are on - current limit of \$1,000 and, B, raise limit to \$5,000 without formal competitive bid.

MR. PADILLA: I move A. The reason I said that the Charter limits the City Manager's amount of expenditures without Council authority to \$1,000. Anything over that has to be with Council approval. My reason for wanting to leave it at a \$1,000 is simply this, when an issue is not controversial in any way, it takes a couple of minutes to dispose of it or to approve the expenditures. When it is controversial I think you need to have a limit. That will require Council action all the more.

MAYOR BECKER: You have control.

MR. O'CONNELL: If it was \$1,000 in 1951, it's not \$1,000 now.

MRS. DUTMER: Mayor, this is what I was going to say. I talked to several departments, in fact seventeen departments here in this room, and that is the only thing that all agree on that they need the limit raised.

CITY MANAGER GRANATA: Five thousand-twenty five, for example, if you want to retain a consultant you have to wait a week or two before you get Council approval because you can't go over \$1,000. Mr. O'Connell says that was a \$1,000 is what today - \$2500.

MR. PADILLA: Sam, do you not now have the means to authorize emergency expenditures?

CITY MANAGER GRANATA: No, sir. If we have a real emergency like an air conditioner going out we'll get it fixed and hope that you will go along. If you don't then we are out.

MAYOR BECKER: One of the reasons you've got the Purchasing Department is because of that tight fiscal control. Maybe you need to relinquish that to release or modify or expand upon that control. There's just an awful lot of things that can happen as a result. I know it's restrictive and doesn't seem to be (inaudible).

MR. MORTON: We've got these kinds of control. We've got a budget first of all. That's one control. Number two, how much doesn't really cost you for that control not only in staff but also for people.....
.....(THIS PART OF THE CONVERSATION IS NOT INTELLIGIBLE ON THE TAPE).....

MAYOR BECKER: You just don't know how valuable this tool is really.

CITY MANAGER GRANATA: I think it's a valuable tool.

MAYOR BECKER: Is everybody in favor of \$2500? Okay. \$2500 it'll be. Alright, supervisor, roman numeral 12, Supervisory of Public Utilities.

EVERYBODY TALKING AT ONCE.

MRS. DUTMER: Our reasoning is that the post is created in the Charter and we've always put someone in that post even though they are doing absolutely nothing. You go to that person for some of these utility questions and (inaudible). We wanted to eliminate that post from the post, eliminate that salary you pay that person for nothing and go on a controversial basis.

MAYOR BECKER: Alright now, if you had a supervisor of Public Utilities to keep this project moving, you know, it could be a very valuable position, properly manned. But, unless its properly manned it's just worthless and a rubber stamp operation. It isn't worth a hoot. It's like any other thing. If the City Manager's job is properly manned it's (inaudible). I'd like to see us have a strong man in this position some day, frankly, and I'm just saying what I'd like to see.

MR. PADILLA: But you've got to pay him more than \$18,000 a year.

MAYOR BECKER: You know, we've been investigating salaries recently here and the man we are talking about, looking for is worth two times what we have been paying.

MR. MORTON: Does the Charter today make it permissive as far as this particular job is concerned? We might amend the Charter to where it is permissive as opposed to obligatory. (ALL TALKING)

MAYOR BECKER: It says, "there shall be a...."

CITY MANAGER GRANATA: We've had two since the Charter has been in effect. First was Phillip Donnell and then Tom Edwards. The job is important if they'd stay right with it.

MAYOR BECKER: That's right.

MR. GRANATA: But usually they still retain a consultant to assist them.

MAYOR BECKER: The reason I'd like to just elaborate on that, it's a funny thing that during this rate problem the people didn't go over there. This is where to create the office. Had the City been monitoring this activity all these years, as it should have been doing, the chances are a lot of things wouldn't have taken place. It's a very important function if it's filled with the right type of person.

MR. MORTON: As far as the Charter is concerned...inaudible...

MRS. DUTMER: Mr. Mayor, I believe this was brought up by Jerry Henckel and, of course, we weren't any of us up on it enough to give a real valid opinion on it, but his reason, if I can recall, the position is really...inaudible...legally because he, a Supervisor of Public Utilities, can go and ask for reports and under the State Constitution, the utility companies only has to give this one report per year and that is to the state. Obviously, you were paying a man \$18,000 per year for nothing.

MAYOR BECKER: Well, that might be the legal ramifications to the thing, but I think as far as the facts aspect of it are concerned it could be just as valuable or valid or whatever you want to make it. It depends on how you approach it. If the folks know that you are serious about wanting reports and things like that, I think there are ways to get it. I'm just offering that.

MR. GRANATA: They will always believe a consultant where they won't believe a staff man.

MR. MORTON: Do you recommend **changing** it from shall to may?

MR. GRANATA: You can't keep them busy all the time. You've got to give them staff enough to where they can really delve into these things and keep everyone on track. Even when you get right to the confrontation up to that point, you go to a consultant. Maybe a future Council won't but they always have.

MAYOR BECKER: Well, Sam....

MR. GRANATA: There should be some staff in house as director of utilities to keep up with what's going on to keep the Council and Manager advised.

MAYOR BECKER: If you are making household pets out of the utilities, we might as well spell it out, and smoothing their feathers down all the time. You might as well abolish the job. If a man is really trying to see what is going on and running the things in the interest of the City, that is something else again.

MR. REEDER: The Charter says, "there is hereby created the Office of Supervisor of Public Utilities who is to be nominated by the Manager and confirmed by the Council." Then it goes on and sets out his duties. It says he shall do this and he shall do that and shall do the other thing. This is a legal observation, Mayor, but when that trust indenture was passed, or the amendments to the trust indenture were passed, this Charter was in effect and I think those trust indentures of those various utility lines will be subject to this Charter. And if you have a Supervisor of Public Utilities, I think he can go to any one of those utilities and demand and get what he wants. And it might be a good thing to keep this thing in here. This is a bad time to be adding an amendment abolishing the office of Supervisor of Public Utilities.

MAYOR BECKER: Right now it's in violation of the Charter.

MR. REEDER: That's right. We've already got one. We really have. I just say you might just leave it alone. This is the part that's not legal. I mean it's not legal, but I'm getting...inaudible.. but I just think you might leave it **alone** because we're having so much trouble about utilities. How would it look to have something on there abolishing the Office of Supervisor of Public Utilities?

MAYOR BECKER: Just leave it alone.

MR. REEDER: Leave it alone.

MR. MORTON: What we're saying is we're willing to turn our head to this violation. That's what we're saying.

MAYOR BECKER: Well, the only difference is his position can be filled at all times. But you've got to fill it with a guy with a mouth full of teeth and not some pussycat, you know. Now do I have to have to elaborate on that any further? (ALL TALKING AND LAUGHING) Until I make him yell and cut his tail off, he was an alligator.

MR. MORTON: The point I'm making is simply this. Good board members are on those utilities in combination with the combination of the Utility Mayor's Committee that you now have. I feel like he's got a completely different set of controls over utilities than they had in the past.

MAYOR BECKER: Everybody has the same common goal.

MR. MORTON: That's right and I think this is happening now.

MAYOR BECKER: Well, the only thing is we don't want to revert. We're trimming off those... inaudible...right now and we don't want to let them grow back. Item XIII. Receipts for Taxes Paid by Check.

MRS. COCKRELL: This is (inaudible) - issue. Are we all agreed on that one?

MAYOR BECKER: And Item XIV. Consider a date for a Charter Revision Election. And we've been talking about November 5 and number XV is adjournment.

MR. MORTON: Are we limiting Charter Revision items to only those things that were addressed by the Revision Committee? I could think of two or three things that I'd like to toss out here. I don't care whether we do it today or not. Here's the first one. There's been a lot of discussion about creating an advisory board, not an advisory board, but a board for establishing policies and objectives for the management and operation of Market and HemisFair Plaza. They can only be advisory under the present Charter. Now, I would like to have, say, maybe a three-fourths vote of the Council, would make it possible for us to set up agencies such as that without having to have a Charter Revision, because otherwise they have no teeth whatsoever.

MR. PADILLA: Cliff, if I understand you correctly, you want to make it possible for the Council to create independent boards or agencies with more than advisory authority. I question in light of the difficulties we've had with so called appointment boards and...inaudible... He's talking about having the right to name boards other than advisory, a right the Council does not have.

MR. MORTON: The Council would appoint, but it would take more than the majority of the Council, it would take three-fourths.

MR. PADILLA: I have no quarrel against the Council having the authority, but at the moment I think you have to be serious in the sense that it probably wouldn't be in my opinion, real smart to want any executive type boards as opposed to advisory.

MR. MORTON: Well, I don't know. I'm not thinking about, right now I'm thinking about an instrument here that in many cases is too...inaudible..and probably too prohibitive. Again, look at it. It hasn't been changed in four years. Well this town has changed in the population 100 per cent.

MR. PADILLA: More than that.

MR. MORTON: Yeah, well, I'm being conservative. Our problems are different. We need more at HemisFair Plaza since 1968. Why should we have something that is so restrictive. We don't have it in our Constitution. It doesn't say there will be a Secretary of Defense and that's it. It doesn't say that. We create those through the legislative body which is what we are. And again I don't think it should be a simple majority, but I'd like to throw that out as a restriction that I feel is onerous.

MR. REEDER: Well your difficulty there, Cliff, would come, if there is a difficulty, would come from the limitation under the separation of powers clause from the State Constitution for a legislative body delegating authority to administrative bodies. That's the reason most of them are advisory, and the courts are getting more liberal about upholding delegation of power like you have in mind. And I think we might get by with it without it being in the Charter or the State Statute.

MR. MORTON: But when it specifically prohibits, like it is now, we can't do it.

MR. REEDER: Well, that's true.

MR. PADILLA: I think right now the only, and I could easily stand corrected, I think now the only examples of executive bodies, so to speak, as opposed to advisory that are in existence are those authorized by law specifically. As an example is the Housing Authority is created by statute, and another is Urban Renewal. That's created by statute. I don't think we have a single example where a body of that type has been set up other than that.

MR. MORTON: But I wouldn't want to go to the State Legislature for permission to create an agency over parking at HemisFair Plaza.

MR. PADILLA: Another question is this Cliff, assuming that your suggestion was adopted by the citizens of San Antonio, would that suffice or would we rely or follow the state law? You might run afoul of the State Constitution under separation of powers clause. I don't know if it's safer or whether you could have a provision in there about creating by your Charter amendment of HemisFair and Market Plaza.

MR. MORTON: But again, see, three years from now it may be something else. On this same program we might find that mechanism doesn't work. A future Council might say, "Let's not do it this way." It's going to be directly under the City Manager and he's going to employ the person who is going to run this. But I see this as far as...inaudible.

is concerned. Something that with all due respect to Sam, I think he would like to have some help on it and the Convention Bureau too. And we have people in this town that are very capable who would like to...inaudible...I'm not talking about something that has any remuneration whatsoever.

MR. PADILLA: My question is, does Sam have the help that he would need if we are to have a viable effective organization that would be advisory as opposed to executive? You see Sam is charged with the responsibility of the Convention Bureau. If he feels like he needs help, the Council has the authority to name an advisory board, and a smart manager would look very carefully at only recommendations brought to him by that advisory board. An executive body would make decisions independent of the City Manager. You would have a board like the Water Board and in some respects like the Public Service Board or the Transit Authority.

MR. MORTON: Again, I think their budgets would be subject to the counsel of the Council. I think that ought to be true for all agencies.

MR. PADILLA: I think frankly I don't like agencies other than advisory because with other than advisory boards the Council and Manager retain control.

MR. MORTON: If you control the purse, you control them.

MR. PADILLA: That's what I said about Public Service Board but we haven't yet.

MR. MORTON: Should we take this item and, first of all is the Council interested in it and is it legal? That's the first question.

MAYOR BECKER: I would say yes so far as I'm concerned.

MRS. COCKRELL: Statement inaudible.

MR. MORTON: We might say with the full approval of the Council. I don't want to be putting those things just one right after the other. Let's say if every person on the Council is in favor of a specific proposition, the chances are it's a pretty good thing.

MR. PADILLA: Now, how do you eliminate it if you find that you no longer have use for it?

MR. MORTON: You mean abolish it?

MR. PADILLA: Would it be by a unanimous vote?

MR. MORTON: Statement inaudible.

MR. PADILLA: I like to make it easy to abolish something.

MR. MORTON: I don't disagree with that.

MR. MENDOZA: Mr. Mayor, speaking of items, I know we can go on and on with this, I guess, but how many items can we have on this Charter change? I guess that is something we also have to consider.

CITY CLERK: It depends on how well the City Attorney can condense the propositions. There is limited space.

MAYOR BECKER: Why doesn't everybody, and I recommend that we not try to go...inaudible...next meeting we will discuss them and then cull through which ones we think should be included on the ballot and which ones, you know, you can't have 50, 60, 70 items on there. I'm afraid the whole thing would go down the tube.

MR. PADILLA: Why don't we say within a week? We don't want to be changing what we are directing the Clerk to do.

MRS. COCKRELL: Statement inaudible.

MR. PADILLA: Why don't we submit them in writing within a week and then we can have a meeting to decide whether to include them or not. That's it. That's the end of it. We can't be changing directions to the City Clerk.

MR. MORTON: Why not make it on Thursday of this week? There's time to put it on the agenda...inaudible...

MAYOR BECKER: You want to do it this week? All right, how much stuff do we have on "B" Session?

MR. PADILLA: And anything not submitted this Thursday will not be included in this election.

MRS. COCKRELL: Someone should tell Dr. San Martin.

MAYOR BECKER: Joe, will you do that? Okay, is there anything else?

74-41 There being no further business, the meeting adjourned
at 5:45 P. M.

A P P R O V E D



M A Y O R

Charles L. Becker

ATTEST: 
C i t y C l e r k

August 19, 1974
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