

AN ORDINANCE 2010-11-10-0974

CANVASSING THE RESULTS OF THE SPECIAL ELECTION HELD ON
TUESDAY, NOVEMBER 2, 2010

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WHEREAS, a Special Election was held on Tuesday, November 2, 2010, for consideration of two propositions; and

WHEREAS, at the November 2, 2010 Election, the voters of the City of San Antonio were asked to consider Proposition No. 1:

**THE EDWARDS AQUIFER PROTECTION VENUE PROJECT
PROPOSITION NO. 1**

Authorizing the City of San Antonio to protect water quality in the Edwards Aquifer by establishing a watershed protection and preservation project known as the "*Edwards Aquifer Protection Venue Project*" to acquire and preserve land or interests in land in the Edwards Aquifer Recharge and Contributing Zones both inside and outside Bexar County, and to impose a sales and use tax at the rate of one-eighth of one percent (1/8 of 1%), (a portion of which tax shall be shared with and used for the "*Parks Development and Expansion Venue Project*" if such venue project is also approved by the voters), in an amount not to exceed \$90 million (including costs of issuance and interest on bonds or other obligations, if any), for the purpose of financing the "*Edwards Aquifer Protection Venue Project*", upon the full collection of sales and use tax authorized by the voters on May 7, 2005 for the Edwards Aquifer Protection Project as Proposition 1 and for the Parks Development and Expansion Venue Project as Proposition 2.

WHEREAS, at the November 2, 2010 Election, the voters of the City of San Antonio were also asked to consider Proposition No. 2:

**THE PARKS DEVELOPMENT AND EXPANSION VENUE PROJECT
PROPOSITION NO. 2**

Authorizing the City of San Antonio to establish the "*Parks Development and Expansion Venue Project*" which includes the acquisition of open space and linear parks along San Antonio's creekways, specifically including Leon Creek, Salado Creek, Apache Creek, Alazan Creek, Martinez Creek, San Pedro Creek, the Medina River and the San Antonio River and for improvements and additions to the Municipal Parks and Recreation System, and to impose a sales and use tax at the rate of one-eighth of one percent (1/8 of 1%) (a portion of which tax shall be shared with and used for the "*Edwards Aquifer Protection Venue Project*" if such venue project is also approved by the voters), in an amount not to exceed \$45 million (including costs of issuance and interest on bonds or other obligations, if any), for the purpose of financing the "*Parks Development and Expansion Venue Project*", upon the full collection of sales and use tax authorized by the voters on May 7, 2005 for the

Edwards Aquifer Protection Project as Proposition 1 and for the Parks Development and Expansion Venue Project as Proposition 2.

WHEREAS, the propositions were submitted to the voters, the election was held and conducted and the returns were made, all as required by the City Charter and the laws of the State of Texas; and

WHEREAS, the City Council has reviewed and investigated all matters pertaining to the election, including the ordering, notices, election officers, holding and returns, and it is now necessary to declare the official results of the canvass; **NOW THEREFORE**:

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

SECTION 1. The City Council having convened on this 10th day of November 2010, to canvass the returns of the Special Election held on November 2, 2010 and after canvassing the returns of this election, officially finds and determines that this election was duly ordered; proper notice of this election was given; proper election officers were duly appointed prior to this election; the election was duly held; the City has complied with the Federal Voting Rights Act, the Texas Election Code, and the City Charter; and due returns of the result of this election have been made and delivered, all in accordance with the law and the Ordinance calling the election.

SECTION 2. The City Council, after canvassing the returns of the November 2, 2010 Special Election, does hereby find and declare that the following votes were cast at the Special Election on the submitted PROPOSITION No. 1 by the resident, qualified electors of the City who voted at the election and declare the results of the election to be as follows:

**THE EDWARDS AQUIFER PROTECTION VENUE PROJECT
PROPOSITION NO. 1**

“FOR”	139,199	60.88%
“AGAINST”	71,056	31.08%

SECTION 3. The City Council, after canvassing the returns of the November 2, 2010 Special Election, does hereby find and declare that the following votes were cast at the Special Election on the submitted PROPOSITION No. 2 by the resident, qualified electors of the City who voted at the election, and declare the results of the election to be as follows:

**THE PARKS DEVELOPMENT AND EXPANSION VENUE PROJECT
PROPOSITION NO. 2**

“FOR”	141,940	62.08%
“AGAINST”	70,365	30.78%

SECTION 4. The City Council hereby finds, determines, and declares the result of the November 2, 2010 Special Election to be that: **Proposition 1 – The Edwards Aquifer Protection Venue Project**, so submitted to the voters, was approved and has received a favorable majority in all respects and have carried.

SECTION 5. The City Council hereby finds, determines, and declares the result of the November 2, 2010 Special Election to be that: **Proposition 2 – The Parks Development and Expansion Venue Project** submitted to the voters, was approved and has received a favorable majority in all respects and have carried.

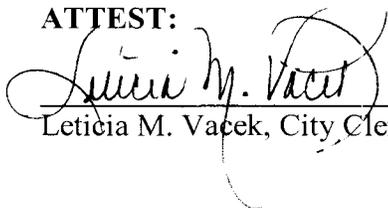
SECTION 6. The voters have authorized City Council to impose, levy, assess and collect the approved sales and use tax, as provided in Chapter 334 of the Texas Local Government Code, up to an amount not to exceed the combined \$135 million, as set forth in Propositions No. 1 and No.2 as follows: \$90 million limit set forth in **Proposition 1 – The Edwards Aquifer Protection Venue Project**, and \$45 million limit set forth in **Proposition 2 – The Parks Development and Expansion Venue Project**, as voted and as provided by law, for the purpose of financing the two venue projects. The City Council shall subsequently adopt, by separate action, an ordinance (the “Sales Tax Levy Ordinance”) adopting, imposing, and levying the approved sales and use tax at the maximum rate not to exceed one-eighth of one percent (1/8 of 1%), as approved by the voters of the city.

SECTION 7. The Office of the City Clerk is authorized and directed to send to the State Comptroller of Public Accounts by United States certified or registered mail, a certified copy of this Ordinance, along with a map of the City, clearly showing the boundaries of the City, and upon its adoption, a certified copy of the Sales Tax Levy Ordinance, as required by Chapter 334 of the Texas Local Government Code, and Section 321.405 of the Texas Tax Code.

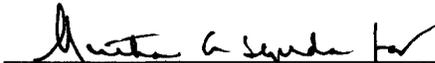
SECTION 10. This ordinance shall take effect immediately, if approved by eight or more affirmative votes; otherwise, said ordinance shall be effective on and after the tenth day from the date of passage.

PASSED AND APPROVED on this 10th day of November 2010.


M A Y O R
Julián Castro

ATTEST:


Leticia M. Vacek, City Clerk

APPROVED AS TO FORM:


Michael Bernard, City Attorney



Request for

COUNCIL ACTION

City of San Antonio



Agenda Voting Results - 3

Name:	3						
Date:	11/10/2010						
Time:	03:55:15 PM						
Vote Type:	Motion to Approve						
Description:	An Ordinance canvassing the results of the Special Election held on Tuesday, November 2, 2010. [Leticia Vacek, City Clerk]						
Result:	Passed						
Voter	Group	Not Present	Yea	Nay	Abstain	Motion	Second
Julián Castro	Mayor		x				
Mary Alice P. Cisneros	District 1		x				
Ivy R. Taylor	District 2		x				
Jennifer V. Ramos	District 3		x				
Philip A. Cortez	District 4		x				
David Medina Jr.	District 5	x					
Ray Lopez	District 6		x				
Justin Rodriguez	District 7		x				x
W. Reed Williams	District 8		x				
Elisa Chan	District 9	x					
John G. Clamp	District 10		x			x	