

AN ORDINANCE **44391**

AMENDING ORDINANCE NO. 44328 PASSED SEPTEMBER 19,  
1974, ORDERING A SPECIAL ELECTION ON NOVEMBER 5,  
1974 TO AMEND THE CITY CHARTER; AND DECLARING  
AN EMERGENCY.

\* \* \* \* \*

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

Section 1. Ordinance No. 44328 ordering said special election is hereby amended to read as follows:

SECTION 1. A special election is hereby ordered to be held in the various voting precincts in the City of San Antonio on Tuesday, the 5th day of November, 1974, in conjunction with the special City of San Antonio bond election and the general election to be held on that day in and by Bexar County at which time shall be submitted to the qualified voters of the City the following propositions to amend the Charter of the City:

PROPOSITION ONE

Shall sections 4, 13 and 15 of the City Charter be amended to increase the membership of the City Council to 11 members, seven of whom shall be elected from districts or wards; providing residence requirements; providing for establishment of districts or wards; providing for a quorum; and providing that an affirmative vote of at least 8 members shall be required to pass an ordinance or resolution as an emergency measure, said sections when amended to read as follows:

"Section 4. Creation, composition and powers.

There is hereby created as the governing body of the City a Council which shall consist of 11 members, each of whom shall be elected to and occupy a place, such places being numbered consecutively beginning with place 1 and ending with place 11.

Each member of the council shall be a citizen of Texas, a qualified elector and registered to vote in the city, shall have resided in the city at least one year prior to filing his application for election and must reside in the city during his term of office.

The council shall, prior to January 1, 1975, divide the city into seven districts or wards as equal as possible in population taking into consideration the most recent Federal decennial census, annexations and any substantial shifts in population. The boundaries thereof shall be re-examined and re-determined where appropriate following each succeeding Federal decennial census or other factors causing substantial variances in population of districts or wards.

Members of the council for place 1 through place 7 shall be elected from such districts or wards which shall be numbered accordingly and each such member shall be elected by a majority vote of the qualified electors voting in said election in the particular district or ward. Each member from a district or ward shall reside within its boundaries at least six months prior to filing his application for election and continuing during his or her term of office, and failure to do so shall render such office vacant; provided however, a candidate for one of the places, place 1 through place 7, in the April 1975 elections shall only be required to reside in the particular district from the time of filing. Candidates for and persons elected as members of the council in the remaining places, place 8 through place 11, may reside anywhere in the City and shall be elected by a majority of all qualified electors voting in said City election.

No member of the council may hold any other public office or employment for which compensation is paid by the City or Bexar County, Texas. Subject to the provisions of this Charter, the council shall have and exercise all powers now or hereafter conferred on the city; shall succeed to all powers heretofore vested in any former governing body of the city; shall have the general care, management and control of the city, its property and finances, and shall enact, alter, modify or repeal all ordinances and resolutions not repugnant to this Charter and the constitution and laws of Texas.

"SECTION 13. Quorum.

A majority of the members of the council shall constitute a quorum to do business, but a lesser number may adjourn from time to time and compel the attendance of absent members in the manner prescribed by ordinance. A vote regarding adjournment or the attendance of absent members may be adopted by a majority of the members present; but in all other matters upon which the council may vote a majority vote of all members of the council in office shall be necessary for adoption. In the event of the existence of six or more vacancies, the remaining members shall constitute a quorum and may conduct all necessary business until such vacancies are filled. In all matters upon which the council votes, the individual votes shall be recorded by the clerk in the minutes of the council, and shall be a public record."

SECTION 15. Ordinances and resolutions--When to take effect; emergency measures.

Except as otherwise provided in this Charter or by ordinance or law, all ordinances and resolutions passed by the council shall take effect at the time indicated therein, but not less than ten days from the date of their final passage. The affirmative vote of at least eight members of the council shall be required to pass any ordinance or resolution as an emergency measure. An emergency measure is an ordinance or resolution to provide for the preservation of the public peace, property, health or safety, in which the emergency is set forth, and may be made effective immediately upon enactment. No measure making or amending a grant, renewal or extension of a franchise or other special privilege shall ever be passed as an emergency measure.

This proposition if adopted, except the amendments to Sections 13 and 15, shall become effective from and after the General City Election on the the first Tuesday of April, 1975, and such procedures shall be followed for that election. The amendments to Sections 13 and 15 shall become effective May 1, 1975."

PROPOSITION TWO

Shall sections 8 and 9 of the City Charter be amended effective from and after the General City Election on the first Tuesday of April, 1975, and such procedures shall be followed for that election to provide for the direct election of the Mayor, such sections when amended to read as follows:

"SECTION 8. Vacancies. Vacancies in the Council other than in the last place (mayor) arising from any cause shall be filled by a majority vote of the remaining members for the unexpired term only and provided the successor shall possess all qualifications required for the office. In the event of a vacancy in the office of the mayor, the remaining council members shall elect from among themselves, by majority vote, a person to serve as mayor for the unexpired term and the person elected shall take over the last place on the council.

SECTION 9. Mayor and mayor pro tem.

Par. 1. The person elected to the last place on the council shall serve as and be the mayor during his term of office.

The mayor shall be the presiding officer of the council and shall receive, in addition to compensation as a member of the council, the sum of three thousand dollars per annum.

Par. 2. The mayor pro tem shall act as mayor during the absence or disability of the mayor. Should a vacancy occur in the office of the mayor, the mayor pro tem shall act as mayor until the mayor's position has been filled as provided in Section 8 above. While serving as mayor, the mayor pro tem shall receive the same compensation as the mayor.

Par. 3. The mayor, the mayor pro tem and any member of the council may be paid such expenses in connection with their official duties as may be provided by the council."

PROPOSITION THREE

Shall section 6 of the Charter be amended to increase the compensation of Council members, effective May 1, 1975, such section when amended to read as follows:

"SECTION 6. Compensation.

Effective May 1, 1975, each member of the council shall

receive as compensation for his services as such \$200.00 per month, plus \$50.00 for each meeting of the council attended, provided that the total of such compensation shall not exceed \$6,400.00 per annum."

#### PROPOSITION FOUR

Shall section 21 of the Charter be amended, to provide that applications to be on the ballot at City elections shall be filed not earlier than 60 days nor later than the 31st day before the day of the election, and to require a filing fee of \$100.00 or a petition by 100 registered voters, such section when amended to read as follows:

"SECTION 21. Filing of Candidates.

Any qualified person who desires to become a candidate for an office or member of council shall file with the City Clerk a sworn application for a designated place on the ballot not earlier than 60 days nor later than the 31st day before the date of election accompanied by a filing fee of \$100.00 or, in lieu thereof, a petition signed by a minimum of 100 registered voters residing in the city requesting that the name of such person, with the person's consent, be placed on the ballot for a designated office. In the case of district or ward offices, the petition shall be signed by voters residing in the particular district."

#### PROPOSITION FIVE

Shall section 90 of the Charter be amended to provide for collection and receipt for taxes and fees as may be prescribed by ordinance, such section when amended to read as follows:

"SECTION 90. Collection and deposit of revenues.

The Assessor and Collector of Taxes or other designated official(s) shall collect, issue receipts for, and deposit all ad valorem property taxes, all occupational taxes and all fees and dues as may be prescribed by ordinance."

#### PROPOSITION SIX

Shall section 101 of the Charter be amended to make provisions regarding competitive bidding and providing that the council may

authorize designated officials to execute contracts where the amount does not exceed \$3,000.00, such amendment to read as follows:

"SECTION 101. Purchase Procedure.

Paragraph 1. Contracts for the purchase of supplies, materials or equipment, or for contractual services shall be in writing and opportunity for competitive bidding shall be given before they are awarded. The Council shall have the right to reject any and all bids.

Paragraph 2. Where such contract is for less than \$3,000.00 and is to be let to the lowest qualified bidder and the item(s) is one provided for in the budget, the council by ordinance may authorize designated city officials to approve and execute the contract without council approval after such public notice and competition as may be provided in the ordinance.

Paragraph 3. The foregoing requirements for competitive bidding shall not apply in any of the cases excepted from such requirements in Section 2 of Art. 2368a (Vernon's Ann. Tex. Civ. Statutes) as amended."

PROPOSITION SEVEN

Shall section 5 of the City Charter be amended by adding thereto the following provision:

"If a member of the council shall file to become a candidate for nomination or election to any public office, other than that of member of the council, he or she shall vacate immediately his or her place on the council and the vacancy thereby created shall be filled in the same manner as any other vacancies."

PROPOSITION EIGHT

Shall section 49 of the City Charter be amended to read as follows:

"Boards, commissions, committees, and authorities shall not be established to administer municipal functions of the City, other than (1) the Board of Trustees of the San Antonio Public Library, (2) the Municipal Civil Service

Commission, (3) The Planning Commission, (4) the Board of Equalization, (5) boards of examiners and/or appeals established by ordinance to administer the provisions of building, electrical and plumbing codes, and (6) boards, commissions and authorities established under the provisions of the laws of Texas; PROVIDED HOWEVER, the council is authorized to establish by ordinance other boards and commissions to administer municipal functions by a 3/4 favorable vote after public hearing for which notice has been published at least 15 days before the date of the hearing, provided that any such board or commission shall be subject to the same budget and fiscal controls as applies to City departments. Such boards and commissions may be abolished by council action in the same manner as their establishment.

The council by ordinance may create boards, commissions or committees to assist in only an advisory capacity the heads of municipal departments in the performance of their duties. The members of any such boards, commissions or committees shall be appointed by the Council on recommendation of the City Manager, and shall receive no compensation from the City."

PROPOSITION NINE

Shall Article VII of the City Charter be amended to add thereto a new section 99A, as follows:

"Section 99A. Change in tax and fiscal years.

The Council by ordinance, after a public hearing thereon following notice thereof published 15 days prior to the date of the hearing, is authorized to provide for a change to be made in the city tax year from June 1 through May 31 to January 1 through December 31, and the council by ordinance is authorized to provide that the change be made in one or more stages, and that necessary and appropriate changes be made in the dates for renditions, filing of inventories, assessments, levy of taxes, board of equalization proceedings, billings, the period in which payment is to be made, the time when taxes become delinquent, and related matters, to conform to the change in the tax year."

"The council is further authorized by ordinance in the same manner after notice and public hearing to provide for a change in the city's fiscal and budget year from the present period to the period October 1 through September 30, in one or more stages, in conjunction with any change in the tax year pursuant to the authority given hereinabove, and to provide for necessary and appropriate changes to be made in the dates for preparation and adoption of the budget, for submission of work programs and allotments, and for related matters."

"In order to provide any necessary financing during the transition or changeover period(s), the Council may by ordinance authorize the borrowing of money by the issuance of promissory notes and the levying of a sufficient tax to pay the interest thereon and to provide the required sinking fund to pay the principal thereof, and/or may authorize the payment of all or any part of said interest and principal from any other anticipated tax receipts."

SECTION 2. The foregoing propositions shall be submitted on the ballot so that each voter may vote "YES" or "NO", on any proposition, as follows:

PROPOSITION #1

Shall sections 4, 13 and 15 of the Charter of the City of San Antonio be amended providing for an increase in the membership of the City Council from 9 to 11 members, 7 of whom shall be elected from districts or wards; providing residence requirements; providing for establishment of 7 districts or wards; providing for a quorum; and providing that an affirmative vote of at least 8 members shall be required to pass an ordinance or resolution as an emergency measure.

PROPOSITION #2

Shall sections 8 and 9 of the Charter of the City of San Antonio be amended to provide for the direct election of the Mayor and for filling of vacancies on the council.

PROPOSITION #3

Shall section 6 of the Charter of the City of San Antonio be amended to provide that each member of the council shall receive as compensation for his services as such \$200.00 per month, plus fifty dollars for each meeting of the council attended, provided that the total of such compensation shall not exceed \$6,400.00 per annum.

PROPOSITION #4

Shall section 21 of the Charter of the City of San Antonio be amended, to provide that applications to be on the ballot at City elections shall be filed not earlier than 60 days nor later than the 31st day before the day of the election, and to require a filing fee of \$100.00 or a petition signed by 100 registered voters.

PROPOSITION #5

Shall section 90 of the Charter of the City of San Antonio be amended to provide that the Assessor and Collector of Taxes or other designated official shall collect, issue receipts for,

and deposit all ad valorem property taxes, all occupational taxes and all fees and dues as may be prescribed by ordinance.

PROPOSITION #6

Shall section 101 of the Charter of the City of San Antonio be amended to make provisions regarding competitive bidding and providing that the council may authorize designated officials to execute contracts where the amount does not exceed \$3,000.00.

PROPOSITION #7

Shall section 5 of the Charter of the City of San Antonio be amended to provide that, if a member of the council shall file to become a candidate for nomination or election to any public office, other than that of member of the council, he or she shall vacate immediately his or her place on the council and the vacancy thereby created shall be filled in the same manner as any other vacancies.

PROPOSITION #8

Shall Section 49 of the Charter of the City of San Antonio be amended to authorize the City Council to establish boards and commissions, in addition to those now described in said section 49, to administer municipal functions provided that there is a 3/4 favorable vote after public hearing following 15 days' notice by publication, and that such boards or commissions shall be subject to the same budget and fiscal controls as City departments, and providing that such additional boards and commissions may be abolished in the same manner.

PROPOSITION #9

Shall the Charter of the City of San Antonio be amended to provide authority to change the city tax year to the period January 1, through December 31, in one or more stages, and to make necessary changes in related dates; and to provide authority to change the fiscal and budget year in the same manner to the period October 1, through September 30, in one or more stages, and to make necessary changes in related dates; and to authorize any necessary borrowing for financing during transition period(s),

and the levy of a sufficient tax to pay interest thereon and to provide the required sinking fund.

SECTION 3. Propositions approved by a majority of the voters voting shall become effective upon adoption, pursuant to Article 1170, Vernon's Ann. Tex. Civil Statutes, unless otherwise provided herein.

SECTION 4. Voting at said election shall be done by the use of voting machines, paper ballots and the electronic voting system as determined by the Commissioners Court of Bexar County, and the City Council of the City of San Antonio does determine hereby that voting machines, paper ballots and electronic voting system shall be used for the casting of absentee votes at this election, and a voting machine shall be placed in the office of the City Clerk, in the City Hall of San Antonio, Texas; and the City Clerk, or any Assistant City Clerk, is authorized and charged to perform the functions provided by law in the casting of absentee ballots and shall hold such election, and ballots shall be cast commencing Wednesday, October 16, 1974, and ending Friday, November 1, 1974; all in the method, manner and time made and provided by the Statutes of the State of Texas on this subject.

SECTION 5. The Mayor shall appoint the election officers to hold said election, in accordance with law, including a special canvassing board which shall count and canvass the absentee ballots cast at said election.

SECTION 6. Notice of said election shall be given by publishing a substantial copy of this Ordinance on the same day in each of two successive weeks in a newspaper of general circulation published in the City, the date of the first publication to be not less than 14 days prior to the date set for said election.

SECTION 7. Said election shall be held as prescribed by law, at the polling or voting places in the several precincts of the City of San Antonio between the hours of 7:00 o'clock A.M. and 7:00 o'clock P.M.

Section 2. This ordinance is hereby passed as an emergency measure, to be effective immediately upon enactment upon the affirmative vote of at least six members of the City Council, such emergency being the benefits from holding said election in conjunction with the general election and other elections and for the public peace, property, health and safety.

PASSED AND APPROVED this 3rd day of October, 1974.



*J. H. [Signature]*  
City Clerk

*[Signature]*  
M A Y O R

Charles L. Becker

APPROVED AS TO FORM: *[Signature]*  
City Attorney

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CERTIFICATE FOR  
AN ORDINANCE AMENDING ORDINANCE NO. 44328 PASSED SEPTEMBER 19, 1974, ORDER-  
ING A SPECIAL ELECTION ON NOVEMBER 5, 1974 TO AMEND THE CITY CHARTER; AND  
DECLARING AN EMERGENCY

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THE STATE OF TEXAS :  
COUNTY OF BEXAR :  
CITY OF SAN ANTONIO :

We, the undersigned officers of said City, hereby certify as follows:

1. The City Council of said City convened in

REGULAR MEETING ON THE 3RD DAY OF OCTOBER, 1974,

at the City Hall, and the roll was called of the duly constituted officers and members of said City Council, to-wit:

J. H. Inselmann, City Clerk

Charles L. Becker, Mayor

Rev. Claude W. Black

Mrs. Lila Cockrell, Mayor Pro-Tem

Glenn Lacy

Dr. Jose San Martin

Clifford Morton

Alvin G. Padilla, Jr.

Leo Mendoza, Jr.

W. J. O'Connell

and all of said persons were present, except the following absentees:

Cockrell, Morton, Mendoza,

thus constituting a quorum. Whereupon, among other business, the following was transacted at said Meeting: a written ORDINANCE AMENDING ORDINANCE NO. 44328 PASSED SEPTEMBER 19, 1974, ORDERING A SPECIAL ELECTION ON NOVEMBER 5, 1974 TO AMEND THE CITY CHARTER; AND DECLARING AN EMERGENCY was duly introduced for the consideration of said City Council and read in full. It was then duly moved and seconded that said Ordinance be passed; and, after due discussion, said motion, carrying with it the passage of said Ordinance, prevailed and carried by the following vote:

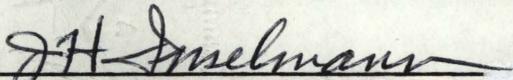
AYES: All members of said City Council shown present above voted "Aye".

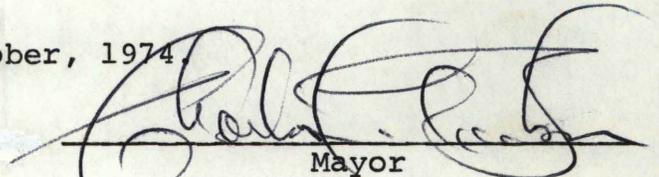
NOES: None.

2. That a true, full, and correct copy of the aforesaid Ordinance passed at the Meeting described in the above and foregoing paragraph is attached to and follows this Certificate; that said Ordinance has been duly recorded in said City Council's minutes of said Meeting; that the above and foregoing paragraph is a true, full, and correct excerpt from said City Council's minutes of said Meeting pertaining to the passage of said Ordinance; that the persons named in the above and foregoing paragraph are the duly chosen, qualified, and acting officers and members of said City Council as indicated therein; that each of the officers and members of said City Council was duly and sufficiently notified officially and personally, in advance, of the time, place and purpose of the aforesaid Meeting, and that said Ordinance would be introduced and considered for passage at said Meeting, and each of said officers and members consented, in advance, to the holding of said Meeting for such purpose; and that said Meeting was open to the public, and public notice of the time, place, and purpose of said meeting was given, all as required by Vernon's Ann. Civ. St. Article 6252-17.

3. That the Mayor of said City has approved, and hereby approves, the aforesaid Ordinance; that the Mayor and the City Clerk of said City have duly signed said Ordinance; and that the Mayor and the City Clerk of said City hereby declare that their signing of this Certificate shall constitute the signing of the attached and following copy of said Ordinance for all purposes.

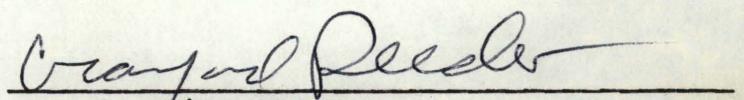
SIGNED AND SEALED the 3rd day of October, 1974.

  
\_\_\_\_\_  
City Clerk

  
\_\_\_\_\_  
Mayor

(SEAL) -----

I, the undersigned, City Attorney of the City of San Antonio, Texas, hereby certify that I read, passed upon, and approved as to form, the attached and following Ordinance, prior to its passage, as aforesaid.

  
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City Attorney

DISTRIBUTION

ITEM NO. X

AVIATION DIRECTOR
BUILDING & PLANNING ADMIN.
CITY WATER BOARD
COMMERCIAL RECORDER
COMMUNITY DEVELOPMENT OFFICER
COMMUNITY ANALYSIS DIVISION
COMPREHENSIVE PLANNING
CONVENTION BUREAU
CONVENTION CENTER
FINANCE DIRECTOR
ASSESSOR
BUDGET
CONTROLLER
TREASURY DIVISION
FINANCE-MODEL CITIES
FINANCE-GRANT SECTION
INTERNAL AUDIT
MANAGEMENT ANALYSIS
PROPERTY RECORDS
FIRE CHIEF
HEALTH DIRECTOR
HEMISFAIR PLAZA
LAND DIVISION
LEGAL
BACK TAX ATTORNEY
LIBRARY DIRECTOR
MARKET & PARKING
MODEL CITIES
MUNICIPAL COURTS
PARKS & RECREATION DEPT.
PERSONNEL DIRECTOR
POLICE CHIEF
PRESS ROOM
PUBLIC INFORMATION
PUBLIC WORKS DIRECTOR
ENGINEERING DIV.
ENGINEERING - SEWERS
PUBLIC SAFETY - ASSOC. MGR.
PURCHASING
SPECIAL SERVICES
TRAFFIC & TRANSPORTATION
ASSOC. MGR. C. GUERRA

MEETING OF THE CITY COUNCIL DATE: OCT 3 1974

MOTION BY: [Signature] SECONDED BY: [Signature]

ORD. NO. 44391 ZONING CASE \_\_\_\_\_

RESOL. \_\_\_\_\_ PETITION \_\_\_\_\_

COUNCIL MEMBER	ROLL CALL	AYE	NAY
LILA COCKRELL PLACE 1		<u>absent</u>	
DR. JOSE SAN MARTIN PLACE 2		<u>✓</u>	
CHARLES L. BECKER PLACE 3		<u>✓</u>	
REV. CLAUDE BLACK PLACE 4		<u>✓</u>	
GLENN LACY PLACE 5		<u>✓</u>	
CLIFFORD MORTON PLACE 6		<u>abs</u>	
W.J. "BILL" O'CONNELL PLACE 7		<u>✓</u>	
ALVIN G. PADILLA, JR. PLACE 8		<u>✓</u>	
LEO MENDOZA, JR. PLACE 9		<u>abs</u>	

31-38-03 3312