

AN ORDINANCE 2008-11-17-1010

**CANVASSING THE RESULTS OF THE SPECIAL ELECTION HELD ON  
TUESDAY, NOVEMBER 4, 2008**

\* \* \* \* \*

**WHEREAS**, a Special Election was held on Tuesday, November 4, 2008, for consideration of a proposition to amend the City Charter to extend term limits for Mayor and City Councilmembers; and

**WHEREAS**, at the November 4, 2008 Election, the voters of the City of San Antonio were asked:

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

**WHEREAS**, the proposition was 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 17<sup>th</sup> day of November 2008, to canvass the returns of the Special City Charter Amendment Election held on November 4, 2008 officially finds and determines that this election was duly ordered and conducted in accordance with the Federal Voting Rights Act, Texas Election Code, Local Government Code, and City Charter.

**SECTION 2.** The City Council, after canvassing the returns of the November 4, 2008 Special City Charter Amendment Election, does hereby find and declare that the following votes were cast on the submitted PROPOSITION by the resident, qualified electors of the City who voted at the election on whether to amend the City Charter to extend term limits, and declare the results of the election to be as follows:

<b>“FOR”</b>	<b>190,551</b>	<b>51.60%</b>
<b>“AGAINST”</b>	<b>178,765</b>	<b>48.40%</b>

Due returns of the result of this election were made and delivered, all in accordance with the law and the Ordinance calling the election.

**SECTION 3.** The City Council hereby finds, determines, and declares the result of the November 4, 2008 Special Election to be that: **Proposition 1 – Amendment to City Charter to Extend Term Limits**, so submitted to the voters, was approved and has received a favorable majority in all respects and have carried.

**SECTION 4.** The City Council hereby finds that pursuant to the November 4, 2008 Special City Charter Amendment Election, the voters of the City have authorized the following amendment:

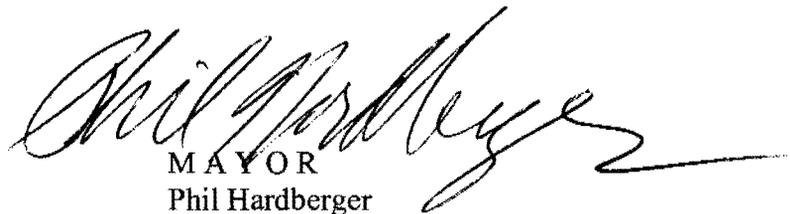
Section 20. **LIMITATION ON TERMS OF OFFICE.** No person shall be eligible to hold any elected office for more than four ~~two~~ full terms, and shall not be placed on the ballot for election to any term if service for the full term would constitute a violation hereof. For the purpose of this section,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

**SECTION 5.** The following temporary section shall also be added to the City Charter:

The effective date of the November 4, 2008 amendment to the City Charter shall be December 1, 2008. The amendment approved on November 4, 2008 is not applicable to any current or former mayors or members of City Council, whether appointed or elected.

**SECTION 6.** This ordinance shall take effect on the tenth day from the date of passage.

**PASSED AND APPROVED** on this 17<sup>th</sup> day of November 2008.

  
MAYOR  
Phil Hardberger

ATTEST:   
City Clerk

APPROVED AS TO FORM:   
City Attorney



Request for  
**COUNCIL  
ACTION**

City of San Antonio



## Agenda Voting Results - 1


<b>Name:</b>	1
<b>Date:</b>	11/17/2008
<b>Time:</b>	09:26:34 AM
<b>Vote Type:</b>	Motion to Approve
<b>Description:</b>	An Ordinance canvassing the results of the Special Charter Amendment Election held on Tuesday, November 4, 2008, and providing for an immediate effective date. [Leticia Vacek, City Clerk]
<b>Result:</b>	Passed

Voter	Group	Not Present	Yea	Nay	Abstain	Motion	Second
Phil Hardberger	Mayor		x				
Mary Alice P. Cisneros	District 1		x				
Sheila D. McNeil	District 2	x					
Jennifer V. Ramos	District 3	x					
Philip A. Cortez	District 4	x					
Lourdes Galvan	District 5	x					
Delicia Herrera	District 6		x			x	
Justin Rodriguez	District 7		x				
Diane G. Cibrian	District 8		x				
Louis E. Rowe	District 9		x				
John G. Clamp	District 10		x				x



**CITY OF SAN ANTONIO**  
**Request for Council Action**

Agenda Item # 1  
Council Meeting Date: 11/17/2008  
RFCA Tracking No: R-4172

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**DEPARTMENT:** Office of the City Clerk

**DEPARTMENT HEAD:** Leticia Vacek

**COUNCIL DISTRICT(S) IMPACTED:**  
City Wide

**SUBJECT:**  
Canvassing of Charter Amendment Election

**SUMMARY:**

This ordinance will officially declare the results of the Special Charter Amendment Election held on Tuesday, November 4, 2008 and will provide for an immediate effective date with eight (8) affirmative votes.

Copies of the election results will be provided to City Council prior to the November 17, 2008 Special Called City Council Meeting.

Upon approval of the ordinance declaring the official results of the Special Election, a certified copy of the official election results will be submitted to the Secretary of State for filing purposes.

Additionally, said ordinance will be forwarded to the Municipal Code Corporation for codification of the City of San Antonio Code of Ordinances and reprinting of City Charters.

**BACKGROUND INFORMATION:**

The City Council as the Canvassing Authority will review the unofficial election results of the Tuesday, November 4, 2008 Special Charter Amendment Election.

**ISSUE:**

In accordance with Chapter 67 of the Texas Election Code, election returns are to be canvassed by the local governing body between eight (8) days and eleven (11) days after the election. If the last day of the act falls on the weekend, said act is to be conducted on the next business day. In order to comply with these requirements, the City Council will meet at a Special Called Council Meeting on Monday, November 17, 2008.

**ALTERNATIVES:**

In accordance with Chapter 67 of the Texas Election Code, said election results must be canvassed within the designated time period.

**FISCAL IMPACT:**

Reprinting of the City Charter is estimated to cost \$5,000.00. Said funds are allocated in the City Council Budget.

**RECOMMENDATION:**

Staff recommends approval of this ordinance. This ordinance shall become effective immediately upon passage with eight (8) affirmative votes.

**ATTACHMENT(S):**

File Description

File Name

[Voting Results](#)

[Ordinance/Supplemental Documents](#)

200811171010.pdf

**DEPARTMENT HEAD AUTHORIZATIONS:**

Leticia Vacek City Clerk Office of the City Clerk