CWK
03/20/14
Item No. 18

AN ORDINANCE 2014-03-20-0181

CANCELLING THE MAY 10, 2014 SPECIAL ELECTION TO FILL THE VACANCY FOR COUNCIL DISTRCT 10, AND DECLARING MICHAEL "MIKE" GALLAGHER AS THE ELECTED COUNCIL MEMBER, FOR THE REMAINDER OF THE UNEXPIRED TERM, TO EXPIRE MAY 31, 2015.

* * * * *

WHEREAS, On February 6, 2014, by Ordinance 2014-02-06-0067, the City Council Ordered a Special City Election to fill vacancies in City Council Districts 9 and 10; and

WHEREAS, the deadline to file for the offices was March 10, 2014, and only Michael "Mike" Gallagher, the person appointed by the City Council to serve as the District 10 Council member on a temporary basis until the Special Election could be held, filed for the City Council District 10 office; and

WHEREAS, in accordance with Section 2.052(b) of the Texas Election Code, the City Clerk has certified that Michael "Mike" Gallagher is unopposed for the Special Election for the District 10 City Council office; and

WHEREAS, in the event a candidate is unopposed for an election, Section 2.053(a) of the Texas Election Code authorizes the City Council to pass an ordinance canceling the election and declaring the unopposed candidate the elected candidate; and

WHEREAS, it is now necessary for the City Council to cancel the election scheduled for May 10, 2014, for City Council District 10, and declaring Michael "Mike" Gallagher the elected City Council member for District 10; and

WHEREAS, copies of this ordinance shall be posted at each polling place in District 10 on May 10, 2014, notifying electors that the election is canceled and declaring Mike Gallagher the elected City Council member for District 10; **NOW THEREFORE**:

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

SECTION 1. In accordance with Section 2.053(a) of the Texas Election Code, Michael "Mike" Gallagher is declared duly elected to the City Council District 10 office. A copy of the City Clerk's Certification that Michael "Mike" Gallagher is unopposed for the Special Election for the District 10 City Council office is attached as Exhibit A.

SECTION 2. Councilman Gallagher shall be issued a Certificate of Election by Mayor Castro and administered the Oath of Office by the City Clerk at a Special Council Meeting to be scheduled for Wednesday, May 21, 2014, in accordance with Section 2.053(e) of the Texas Election Code.

SECTION 3. The Special Election called for May 10, 2014, to elect a City Council member for City Council District 10 will not be held, in accordance with Section 2.053(b) of the Texas Election Code.

SECTION 4. The City Clerk is directed to post copies of this ordinance at each facility that would have been used as a polling place in District 10 on May 10, 2014, in accordance with Section 2.053(a) of the Texas Election Code.

SECTION 5. This ordinance is effective immediately, if approved by eight or more affirmative votes; otherwise, it is effective on the tenth day from the date of passage.

PASSED AND APPROVED *on this 20th day of March, 2014.*

M A Y O R
Julián Castro

ATTEST:

Leticia M. Vacek, City Clerk

APPROVED AS TO FORM:

Robert F. Greenblum, City Attorney

Agenda Item:	**18 (in consent vote: 5, 6, 7, 8, 9, 10, 11, 11A, 11B, 12, 13, 14, 15, 17, 18, 19, 20, 21, 22, 23, 25, 27, 31, 31A, 31B)**
Date:	03/20/2014
Time:	09:30:59 AM
Vote Type:	Motion to Approve
Description:	An Ordinance Cancelling the Special City Election to fill the Vacancy for Council District 10 and Declaring Michael "Mike" Gallagher as the Elected Councilmember for District 10.
Result:	Passed

Voter	Group	Not Present	Yea	Nay	Abstain	Motion	Second
Julián Castro	Mayor		x				
Diego Bernal	District 1		x				x
Ivy R. Taylor	District 2		x				
Rebecca Viagran	District 3		x				
Rey Saldaña	District 4		x			x	
Shirley Gonzales	District 5		x				
Ray Lopez	District 6		x				
Cris Medina	District 7		x				
Ron Nirenberg	District 8		x				
Joe Krier	District 9		x				
Michael Gallagher	District 10		x				

EXHIBIT A

CITY CLERK CERTIFICATION OF UNOPPOSED CANDIDATE

AW12-1
Prescribed by Secretary of State
Section 2.051 – 2.053, Texas Election Code
2/14

CERTIFICATION OF UNOPPOSED CANDIDATES FOR OTHER POLITICAL SUBDIVISIONS (NOT COUNTY)
CERTIFICACIÓN DE CANDIDATOS ÚNICOS PARA OTRAS SUBDIVISIONES POLITICAS (NO EL CONDADO)

To: Presiding Officer of Governing Body for the City of San Antonio
***Al: Presidente de la entidad gobernante* de la Ciudad de San Antonio**

As the authority responsible for having the official ballot prepared, I hereby certify that the following candidates are unopposed for election to office for the election scheduled to be held on Saturday, May 10, 2014

***Como autoridad a cargo de la preparación de la boleta de votación oficial, por la presente certifico que los siguientes candidatos son candidatos únicos para elección para un cargo en la elección que se llevará a cabo el* Sabado, 10 de Mayo, de 2014**

List offices and names of candidates:
Lista de cargos y nombres de los candidatos:

Office(s) *Cargo(s)*	Candidate(s) *Candidato(s)*
Councilmember, Place 10	Mike Gallagher

Leticia M. Vacek
Signature *(Firma)*

Leticia M. Vacek
Printed name *(Nombre en letra de molde)*

City Clerk
Title *(Puesto)*

March 11, 2014
Date of signing *(Fecha de firma)*

(Seal) *(sello)*

MAY 10, 2014
SPECIAL CITY ELECTION

Leticia M. Vacek, City Clerk

Items # 18 & 19
March 20, 2014

Item #18 - Purpose

In accordance with Section 2.053 of the Texas Election Code:

- This Ordinance will officially Cancel the Special Election to fill the Vacancy in Council District 10.
- This Ordinance will also declare Michael "Mike" Gallagher as the elected Councilmember for Council District 10.

Item # 18 - Background Information

- The deadline to submit an Application for A Place on the Ballot ended at 5:00 pm on Monday, March 10, 2014. Michael "Mike" Gallagher was the only District 10 Candidate who submitted an Application.
- Per Section 2.053(a) of the Texas Election Code, the City Clerk provided Mayor Castro with the Certification of Unopposed Candidate for District 10 on Tuesday, March 11, 2014.

Item # 19 - Next Steps

- In accordance with Section 2.053(e) of the Texas Election Code, Councilmember Gallagher will be issued a Certificate of Election at the Special Called Council Meeting scheduled for Wednesday, May 21, 2014 at 2:00 pm.
- At this Special Meeting, the Mayor and Council will also canvass the Election Returns for the District 9 Election.

Items # 18 & 19 - Recommendation

- These Ordinances were coordinated with the City Attorney's Office.

- Recommend the following actions:
  - Cancelling the District 10 Election and Declaring Michael "Mike" Gallagher as the Councilmember for District 10
  - Calling a Special Council Meeting for Wednesday, May 21, 2014 to canvass the results of the May 10, 2014 Special City Election for District 9.