CWK
02/26/15
Item No. 4

AN ORDINANCE 2015-02-26-0144

ORDERING A CITY CHARTER AMENDMENT ELECTION TO BE HELD ON SATURDAY, MAY 9, 2015, IN THE CITY OF SAN ANTONIO, BEXAR COUNTY, TEXAS.

* * * * *

WHEREAS, on August 7, 2014, the City Council authorized the creation of a Charter Review Commission, charging it with a review of the City Charter, focusing on the filling of a mayoral mid-term vacancy, council compensation, and council terms, as well as the identification of outdated or superseded provisions, to be brought before the full Council as Charter amendment propositions; and

WHEREAS, on September 4, 2014, the San Antonio City Council ordered an election for Saturday, May 9, 2015, for the purpose of amending the City Charter to require an election before the City grants permission to alter or damage any public way of the City for the laying of streetcar or light rail tracks or appropriates funds or issues or sells bonds or notes on streetcar or light rail systems, and approved the language for the proposition; and

WHEREAS, the Mayoral-appointed Charter Review Commission held weekly meetings, hosted two public hearings, provided access for input through the City Council Citizens to be Heard meetings, created a webpage for information on the process, and an email and telephone number for citizen input; and

WHEREAS, on February 18, 2015, the Commission briefed the City Council during a "B" Session, presenting their recommendations for the May 9, 2015 Charter Election; and

WHEREAS, it is now necessary to vote on the Charter Review Commission recommendations to amend the City Charter, to add to the previously approved proposition entitled Proposition No. 1; **NOW THEREFORE**:

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

SECTION 1. A Charter amendment election is ordered to be held in the various voting precincts of the City of San Antonio on Saturday, May 9, 2015, to submit the following propositions to amend the City Charter of the City of San Antonio to the qualified voters of the City:

PROPOSITION NO. 1

Shall the City Charter be amended to provide that no grant of permission to alter or damage any public way of the city for the laying of streetcar or light rail tracks shall ever be valid, and no funds shall be appropriated and no bonds or notes shall be issued or sold for the purpose of streetcar or light rail systems, unless first approved by a majority of the qualified

electors of the city voting at an election containing a proposition specifically identified for and limited to such purpose?

PROPOSITION NO. 2

Shall the City Charter be amended to pay an annual salary of $45,722 to the members of the City Council (equal to the San Antonio Area Median Household Income), and pay a salary of $61,725 to the mayor (equal to the San Antonio Area Median Household Income +35%), and permit the Mayor and members of the City Council elected at the May 9, 2015 general election to be eligible to receive the salary?

PROPOSITION NO. 3

Shall the City Charter be amended to allow filling City Council and Mayoral vacancies by special election rather than appointment when more than 120 days remain in the unexpired council term, and to allow the City Council to appoint a temporary Council member or Mayor until the special election is held?

PROPOSITION NO. 4

Shall sections 17, 41, 47, 50, 60, 61, 62, 76, 78, 82, 83, 85, 86, 94, 95A, 96A, 104, 105, 106, 145, and 163 of the City Charter be amended to eliminate provisions which have become inoperative because they have been superseded by state law; and to update language to current usage?

SECTION 2. The official ballots for the Election shall be prepared in accordance with the Texas Election Code to permit the electors to vote "FOR" or "AGAINST" the aforesaid PROPOSITION, with the ballots to contain such provisions, markings, and language as required by law, and with such PROPOSITION to be expressed substantially as follows:

PROPOSITION NO. 1

FOR } SHALL THE CITY CHARTER BE AMENDED TO PROVIDE THAT NO GRANT OF PERMISSION TO ALTER OR DAMAGE ANY PUBLIC WAY OF THE CITY FOR THE LAYING OF STREETCAR OR LIGHT RAIL TRACKS SHALL EVER BE VALID, AND NO FUNDS SHALL BE APPROPRIATED AND

AGAINST } NO BONDS OR NOTES SHALL BE ISSUED OR SOLD FOR THE PURPOSE OF STREETCAR OR LIGHT RAIL SYSTEMS, UNLESS FIRST APPROVED BY A MAJORITY OF THE QUALIFIED ELECTORS OF THE CITY VOTING AT AN

ELECTION CONTAINING A PROPOSITION SPECIFICALLY IDENTIFIED FOR AND LIMITED TO SUCH PURPOSE?

PROPOSITION NO. 2

FOR } SHALL THE CITY CHARTER BE AMENDED TO PAY AN ANNUAL SALARY OF $45,722 TO THE MEMBERS OF THE CITY COUNCIL (EQUAL TO THE SAN ANTONIO AREA MEDIAN HOUSEHOLD INCOME), AND PAY A SALARY OF $61,725 TO THE MAYOR (EQUAL TO THE SAN ANTONIO
AGAINST } AREA MEDIAN HOUSEHOLD INCOME +35%), AND PERMIT THE MAYOR AND MEMBERS OF THE CITY COUNCIL ELECTED AT THE MAY 9, 2015 GENERAL ELECTION TO BE ELIGIBLE FOR THE SALARY?

PROPOSITION NO. 3

FOR } SHALL THE CITY CHARTER BE AMENDED TO ALLOW FILLING CITY COUNCIL AND MAYORAL VACANCIES BY SPECIAL ELECTION RATHER THAN APPOINTMENT WHEN MORE THAN 120 DAYS REMAIN IN THE UNEXPIRED
AGAINST } COUNCIL TERM, AND TO ALLOW THE CITY COUNCIL TO APPOINT A TEMPORARY COUNCIL MEMBER OR MAYOR UNTIL THE SPECIAL ELECTION IS HELD?

PROPOSITION NO. 4

FOR } SHALL SECTIONS 17, 41, 47, 50, 60, 61, 62, 76, 78, 82, 83, 85, 86, 94, 95A, 96A, 104, 105, 106, 145, AND 163 OF THE CITY CHARTER BE AMENDED TO ELIMINATE PROVISIONS WHICH HAVE BECOME INOPERATIVE BECAUSE THEY
AGAINST } HAVE BEEN SUPERSEDED BY STATE LAW, AND TO UPDATE LANGUAGE TO CURRENT USAGE?

SECTION 3. If Proposition 2 is adopted by the qualified voters of the City of San Antonio, a temporary section will be added to the City Charter to establish that the amendment is applicable to the members of the City Council, including the Mayor, elected at the May 9, 2015 general election.

SECTION 4. If Proposition 2 is adopted by the qualified voters of the City of San Antonio, paragraph 1 of Section 9 of the Charter will be amended to strike the sentence providing the mayor additional compensation of $3,000 per annum.

SECTION 5. If all propositions are adopted by the qualified voters of the City San Antonio, the following City Charter provisions shall be amended by adding the underscored words and deleting those struck through and bracketed to read in their entirety as follows:

Sec. 3a. Limitation on powers; streetcar or light rail.

No grant of permission to alter or damage any public way of the city for the laying of streetcar or light rail tracks shall ever be valid, and no funds shall be appropriated and no bonds or notes shall be issued or sold for the purpose of streetcar or light rail systems, unless first approved by a majority of the qualified electors of the city voting at an election containing a proposition specifically identified for and limited to such purpose.

Sec. 6. Compensation

Each member of the council shall receive as compensation for their services as such member the sum of $45,722, and the Mayor shall receive the sum of $61,725 [~~twenty dollars ($20.00) for each meeting of the council attended, provided that the total of such compensations hall not exceed one thousand forty dollars ($1,040)~~] per annum.

Sec. 8. Vacancies.

Vacancies in the council, including the mayor, [~~other than in the last place (mayor)~~] arising from any cause with 120 [~~270~~] days or less remaining in the term shall be filled by majority vote of the remaining members for the unexpired term only and provided the successor shall possess all qualifications required for the office. Vacancies in the council, including the mayor, [~~other than in the last place (mayor)~~] arising from any cause with more than 120 [~~270~~] days remaining in the term shall be filled by special election and, where necessary, by a run-off election, in the same manner as provided for in this Charter for the regular election of a councilmember. Such special election shall be held on the next authorized uniform election date that occurs before the regular election and that allows enough time to hold the election in the manner required by law. The City Council may appoint a person to serve as a council member or mayor on a temporary basis during the period between the creation of the vacancy and the special election. [~~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.~~]

Sec. 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 council may be paid such expenses in connection with their official duties as may be provided by the council.

Sec. 17. Same – Publication of ordinances.

Every ordinance imposing any penalty, fine or forfeiture for a violation of its provisions shall, after passage [~~thereof~~], be published for one time in a newspaper published in the city. Proof of such publication by the printer or publisher of such newspaper made by affidavit before any officer authorized to administer oaths and filed with the city clerk shall be conclusive evidence of the legal publication and promulgation of such ordinance in all courts and elsewhere. Such publication may consist of the full text of the ordinance, or a substantive condensed statement of the nature and purpose of the ordinance and the penalty for violation [~~thereof~~]. The penalty, fine or forfeiture shall apply five days after publication.

The council may adopt any code or codification of ordinances or parts thereof, and may amend and correct such ordinances [~~therein~~] for the purpose of general distribution, and when so adopted and contained in printed~~,~~ [~~multigraphed or mimeographed~~] form, publication of such code [~~thereof~~] need not be made other than by publication of the ordinance or resolution adopting the same, provided that [~~three~~] <u>two</u> copies of such code or codification are filed for permanent record and inspection in the office of the city clerk prior to [~~the~~] adoption [~~thereof~~].

Any administrative rules or regulations of any department of the city or of the state affecting the city, or any statute of Texas or any published code, specifications or requirements prepared by an official or unofficial organization for general circulation and use, may be made effective in the city by reference ~~thereto~~ in an ordinance, provided <u>two</u> [~~three (3)~~] copies [~~thereof~~] are filed for permanent <u>record</u> [~~reference~~] and inspection in the office of the city clerk prior to [~~the~~] adoption [~~thereof~~]. <u>The city clerk is authorized to destroy one copy upon the adoption of a superseding rule, regulation, statute, published code, specification or requirement, which must be kept for permanent historical reference.</u>

Sec. 41. Submission to electors.

If the council [~~shall~~] fails to pass an ordinance proposed by initiative petition, or [~~shall~~] passes it in a form different from that set forth in the petition [~~therefor~~], or if the council fails to repeal a referred ordinance, the proposed or referred ordinance shall be submitted to the electors on the next authorized uniform election date that allows enough time to hold the election in the manner required by law. [~~at a special or regular municipal election not less than thirty nor more than ninety days from the date the council takes its final vote thereon~~]

Sec. 47. Council members not to interfere in appointments or removals.

Members of the council shall not direct or request the city manager or any subordinate of the city manager [~~of his subordinates~~] to appoint to or remove from office or employment, or in any manner take part in the appointment or removal of officers or employees in the administrative service of the city, except for the purpose of inquiry. The council and its members shall deal with the administrative service solely through the city manager and neither the council nor any member of council [~~thereof~~] shall give orders to any subordinates of the city manager, either publicly or privately. Any violation[~~s~~] of the foregoing provisions by any member of the council shall constitute official misconduct, and shall authorize the council by a vote of two-thirds of its entire membership to expel such offending member, if found guilty after a public hearing, and declare the office vacant and fill in accordance with the provisions of Section 8[~~appoint a successor~~].

Sec. 50. Administrative departments created, control.

There are [~~hereby~~] created and placed under the control of the city manager the following administrative departments of the city government:

(1) Legal department
(2) Finance department
(3) Police department
(4) Fire department
(5) Public works or successor department
(6) Public health department
(7) Parks and recreation department
(8) Aviation department

In addition to the administrative departments created [~~hereby~~], the council shall have power by ordinance to establish, discontinue or redesignate other administrative departments or offices. The council may combine any two of the departments and/or administrative offices created by this Charter. No functions or duties assigned by this Charter to a particular department or office shall be abolished, except as otherwise provided by this Charter, but

such functions or duties may be assigned by ordinance to other administrative departments or offices of the city; provided, however, that no changes shall be made by the council in the organization of the administrative service of the city until the recommendations of the city manager [~~thereon~~] shall have been heard by the city council; and provided, further, that all administrative departments and offices of the city shall be under the direction and supervision of the city manager.

Sec. 60. Public works or successor **department** -- Director; head of department.

The director of public works or successor department shall be the head of the department.

Sec. 61. Same--Powers and duties.

The department of public works or successor department shall have charge of the planning, opening, construction, maintenance and repair of all streets, alleys, sidewalks, bridges, rivers, watercourses, creeks, ditches and public ways; of the [~~sanitary and~~] storm sewers, [~~sewer systems and sewage disposal plants; of the construction, maintenance,~~] repair [~~and operation~~] of all public buildings and properties belonging to or used by the city; [~~of the city markets; of building, electrical and plumbing permits; of weights and measures; of the collection and disposal of garbage;~~] and of such other functions as may be prescribed by ordinance.

Sec. 62. Public health department – Director of public health; qualifications.

The director of the public health shall be the head of the department, who [~~He~~] shall be [~~a licensed physician and shall be~~] trained in public health administration.

Sec. 76. Suspensions, reductions, and removals.

Any person in the classified civil service who has not completed the probationary period or who is serving under provisional or temporary appointment may be suspended, reduced in pay or class, or removed at any time by the city manager or other officer having power to appoint. Notice of such action shall be given to the personnel director.

Any person who has been appointed following certification from an employment list may be suspended, reduced in pay or class, or removed at any time during the probationary period by the city manager or other officers having power to appoint by giving him a written notice of such action, together with a statement of the reasons [~~therefore~~].

Any person who has completed the probationary period may be suspended, reduced in pay or class, or removed by the city manager or officer having authority to appoint. A written notice of the suspension, reduction or removal, stating the reasons [~~therefore~~] and when it is effective, shall be given to such person or sent by registered mail to their [~~his~~] usual place of residence. Such person, within ten city business days[~~, not including Sundays and legal holidays,~~] after the delivery or mailing of such notice, may appeal in writing to the commission for a hearing. The commission shall immediately fix a place and a time not later than ten city business days after such appeal for holding a hearing, at which hearing the appellant shall have the right to appear and be heard in person or by counsel. The commission shall, at the request of the appellant or of the city manager or other officer ordering the suspension, reduction or removal, compel other persons to attend the hearing as witnesses. All testimony given shall be under oath. The members of the commission shall have the power to administer oaths and affirmations, and to compel the attendance of witnesses and [~~others~~] other persons by subpoena and other processes provided by law, and to compel the production of all pertinent records. The commission may make any further investigation which it might deem proper. Within twenty-four hours after the completion of the public hearing or such investigation, the commission shall report its findings and recommendations to the city manager. A copy of the written statement given the officer or employee, of the written reply [~~thereto~~], if any, and a copy of the findings and recommendations of the commission shall be filed as a public record in the office of the personnel director.

Sec. 78. Prohibitions.

(a) No person shall willfully or intentionally make any false statement, certificate, mark, rating or report in regard to any test, certification, or appointment held or made, or in any manner commit any fraud interfering with the performance of these provisions or the applicable rules and regulations [~~made thereunder~~].

(b) No person seeking appointment to or promotion in the classified civil service shall directly or indirectly give, render or pay any money, service or other valuable thing to any person on account of or in connection with any test, appointment or promotion.

(c) [~~No city employee shall continue in such position after becoming a candidate for nomination or election to any City or Bexar County elected office~~.]

~~(d)~~ No city employee may circulate petitions for city council candidates or city elections, receive or solicit any contribution for any city council candidate or city election other than for their own candidacy or campaign.

(d) [~~(e)~~] No city employee shall make any contribution to the campaign funds of any candidate for City office or take any part in the management or

affairs or political campaign of any candidate for City office, other than for their own candidacy or campaign, further than in the exercise of his rights as a citizen to express his opinion and to cast his vote.

(e) [~~(f)~~] No employee of the city may wear city council campaign buttons nor distribute literature at work or in a city uniform or in the offices or building of the City of San Antonio.

(f) [~~(g)~~] City employee organizations shall not be allowed to make any contribution to the campaign funds of any candidate for City office or [~~the~~] take part in the management or affairs of a political campaign for City office, further than to express opinions, except as authorized by state law.

Sec. 82. The preparation and adoption of the budget.

Annually, the City Manager shall establish a budget calendar setting key dates for preparation and adoption of the consolidated annual budget. The departments and agencies of the City government shall transmit, in accordance with the calendar, estimates of their budgetary requirements to the Department[~~,~~] responsible for preparing the budget, which shall prepare a budget for the City Manager in the form required by the Charter. The City Manager shall transmit the annual budget to the Council in accordance with the calendar. The Council shall arrange for and hold at least one public hearing on the budget during the period of its consideration. Provided, however, that at least ten days prior public notice shall be given of such public hearing; and provided, further, that at least ten days prior to such public hearing, the City Manager shall cause one copy [~~not less than ten copies~~] to be made available in the office of the City Clerk for inspection [~~for distribution to interested persons~~]. The Council may revise, alter, increase, or decrease the items of the proposed budget prior to the adoption of the appropriation ordinance, provided that when it shall increase the total proposed expenditures, it shall also increase the total anticipated income so that the total means of financing the budget shall at least equal in amount the aggregate proposed expenditures. When the Council shall make such changes, it shall issue a statement setting forth clearly its action on the budget. Annually, the Council shall approve the budget plan and shall enact, not later than the twenty seventh day of September, the appropriation ordinance, and such other ordinances as may be required to make the budget effective. As soon as possible after the completion of the tax roll the Council shall pass the tax levy ordinance. A copy of the budget, as finally adopted, shall be filed with the Clerk[,] and the County Clerk of Bexar County. The final budget shall be [~~reproduced and sufficient copies shall be~~] made available for the use of all departments, offices and agencies of the City, and for the use of interested persons, agencies and civic organizations.

Sec. 83. Work program and allotments.

Immediately before the beginning of each fiscal year, the head of each department or agency of the City government, upon the direction of the City Manager, shall submit to the responsible Department a work program for the year, which program shall include all appropriations for its operation and maintenance and for the acquisition of property, and which shall show the requested allotments of said appropriations for such department or agency by months for the entire fiscal year. The City Manager, with the assistance of the appropriate Department, shall review the requested allotments in light of the work program of the department or agency concerned, and may, if the City Manager [~~he~~] deems necessary, revise, alter, or change such allotments before authorizing the same. The aggregate of such allotment shall not exceed the total appropriation available to said department or agency for the fiscal year. The [~~responsible~~] department responsible for preparing the budget shall authorize all expenditures for the departments and agencies to be made from the appropriations on the basis of the approved allotments, and not otherwise. The approved allotments may be revised during the fiscal year by the City Manager, or upon application by the head of any department or agency as approved by the City Manager, but in no event shall the aggregate of departmental or agency allotments exceed the appropriation available to such departments or agencies for the fiscal year. If, at any time during the fiscal year, the City Manager shall ascertain that the available income, plus fund balances, for the year will be less than the total appropriations, the City Manager [~~he~~] shall reconsider the work programs and allotments of the several departments and agencies and revise them so as to prevent the making of expenditures in excess of the said income and fund balance.

Sec. 85. Appropriation of excess revenue.

If at any time the total [~~accruing~~] revenues collected by [~~of~~] the City shall be in excess of the total estimated revenue [~~income~~], as set forth in the annual budget estimate, the City Manager shall make a recommendation to the City Council of the use of such funds, and the use of such funds are subject to appropriation by subsequent City Council ordinance [~~Council may appropriate such excess revenues to the retirement of the unbounded indebtedness of the City~~].

Sec. 86. Money to be drawn from treasury in accordance with appropriations.

No money shall be drawn from the treasury of the City, nor shall any obligation for the expenditure of money be incurred, except in pursuance of the annual or interim fiscal period appropriation ordinance or such ordinance when changed as authorized by this Charter or by the general laws of Texas. At the close of each fiscal year any unencumbered balance of an appropriation shall revert to the fund from which appropriated and shall be subject to

reappropriation as provided by this Charter; but appropriations may be made by the Council, to be paid out of the income of the current year, in furtherance of public improvements, capital or maintenance projects, [~~or public works~~] which will not be completed within such year, and any such appropriation shall continue in force until the purpose for which it was made shall have been accomplished or abandoned.

Sec. 94. Tax rate.

The City Council [~~before September 15 or as soon thereafter as practicable~~] shall adopt a tax rate for the current tax year on the same date the City's Annual Operating Budget is adopted and shall notify the Tax Assessor-Collector of the rate adopted. The tax rate shall consist of two components, each of which must be approved separately. The components are:

The rate that, if applied to the total taxable value, will be used to pay debt service for the fiscal year; and

The rate, that, if applied to the total taxable value, will impose the amount of taxes needed to fund maintenance and operation expenditures for the fiscal year.

The City may not impose property taxes in any year until the City Council has adopted a tax rate for that year, and the annual tax rate must be set by ordinance. The vote on the ordinance setting the tax rate must be separate from the vote adopting the budget.

[~~Sec. 95A. 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, 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 general obligation bonds or 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 or other available funds.~~]

Sec. 96A. Additional penalty for collection costs.

Taxes that remain delinquent on July 1 of the year in which they become delinquent incur an additional penalty to defray costs of collection. The amount of the penalty may not exceed the amount provided by state law [~~15 percent of the amount of taxes, penalty and interest due~~].

Sec. 104. Disbursement of funds.

All checks, vouchers, [~~or~~] warrants, wire transfers or ACH transactions for the withdrawal of money from the City depository shall be signed by the Director of Finance, or [~~his~~] the Director's designee [~~deputy~~]; provided, however, that checks, vouchers, [~~or~~] warrants, wire transfers or ACH Transactions for the withdrawal of sinking funds shall also be signed by the City Manager, or, in the City Manager's [~~his~~] absence, by an officer designated by the Council.

Sec. 105. Borrowing in anticipation of property taxes.

In any tax year, in anticipation of the collection of the ad valorem property tax for such year, whether levied or to be levied in such year, the Council may by resolution authorize the borrowing of money by the issuance of negotiable notes of the City each of which shall be designated "tax anticipation note for the [~~19~~]_____" (stating the tax year). Such notes shall mature and be payable not later than the end of the tax year in which issued, and may be secured by the pledge of the ad valorem property taxes for such year.

Sec. 106. Borrowing in anticipation of other revenues.

In any tax year, in anticipation of the collection or receipt of other revenues of that year, the Council may by resolution authorize the borrowing of money by the issuance of negotiable notes of the City, each of which shall be designated "special revenue note for the year [~~19~~]_____" (stating the tax year). Such notes may be renewed from time to time, but all such notes, together with the renewals shall mature and be payable not later than the end of the tax year in which issued, and may be secured by pledge of such other revenues for such year.

Sec. 145. City records open to public.

All records of the City shall be available to the public as provided by state law. [~~Every citizen shall, during office hours, have the right to examine any and all books, vouchers, records and papers belonging to the city and shall have the right to take copies; and it shall be the duty of the proper custodian of such papers and records to produce and exhibit any such papers or records demanded to be inspected by any such citizen.~~]

Sec. 163. Amendments.

This Charter may be amended at any time in accordance with the applicable provisions contained in [~~of~~] statutes and as provided by the constitution of Texas.

SECTION 6. The Propositions, if approved by a majority of the resident, qualified voters of the City of San Antonio, Texas, who vote in the May 9, 2015 election, are effective when the City Council enters an order stating an effective date of the propositions and states on the records of the City declaring that the Charter Amendments have been adopted.

SECTION 7. As soon as practicable after the election and the declaration by the City Council that the amendment has been approved and adopted, the Mayor shall certify to the Secretary of State an authenticated copy of the amendment, under the City's seal, showing the approval by the qualified voters of the municipality.

SECTION 8. The City Council also authorizes the May 9, 2015 Charter amendment election to be held jointly with other participating local political subdivisions located within Bexar County. The city shall execute an agreement with Bexar County to conduct the election as a joint election with the other political subdivisions identified in the agreement. An ordinance authorizing this contract will be considered by the City Council at a subsequent meeting.

Pursuant to the Texas Election Code, Section 61.012, as amended, the Bexar County Elections Administrator shall provide at least one accessible voting system in each polling place used in the Election. Such voting system shall comply with Texas and federal laws establishing the requirements for voting systems that permit voters with physical disabilities to cast a confidential or secret ballot.

SECTION 9. The Charter amendment election shall be held as prescribed by law. Voting precincts and hours of voting shall be established by the Bexar County Elections Administrator. An ordinance adopting the precincts and voting hours for the May 9, 2015 election will be considered at a later meeting.

SECTION 10. Voting on Election Day, Saturday, May 9, 2015, shall be conducted by the use of AIS650 Tabulators, paper ballots, or the iVotronic™ touch screen voting system, as determined by the City Clerk and the Bexar County Elections Administrator.

For early voting by mail and for provisional voting at this election, the City Clerk has determined that voting shall be conducted by the use of the AIS650 Tabulators, and paper ballots.

For early voting by personal appearance, beginning on Monday, April 27, 2015, and ending on Tuesday, May 5, 2015, the City Clerk has determined that voting shall be conducted by the use of the iVotronic™ touch screen voting system at polling locations to be determined by the Bexar County Elections Administrator. An ordinance authorizing the polling locations for early voting within Bexar County will be considered at a later meeting.

Early voting by personal appearance shall be conducted at the polling locations, during the period of early voting, commencing Monday, April 27, 2015, and ending on Tuesday, May 5, 2015. Hours of early voting shall be established by the Bexar County Elections Administrator in accordance with the applicable provisions of Texas law.

SECTION 11. Electors may cast their early vote by mail. Ballot applications and ballots voted by mail shall be mailed to the early voting clerk as follows:

Jacquelyn F. Callanen, Early Voting Clerk
Bexar County Elections Administrator
203 E. Nueva, 3.61
San Antonio, TX 78207

The last day to receive an application for a ballot to be voted by mail is Thursday, April 30, 2015.

SECTION 12. Notice of the May 9, 2015 Charter amendment election shall be given by publishing a substantial copy of the proposed amendment, both in English and in Spanish, in a newspaper of general circulation on the same day in each of two successive weeks, with the first publication occurring before the 14th date of the election; and a substantial copy of this Ordinance, both in English and in Spanish, shall be posted at three public places in the City of San Antonio and also at City Hall, located at 100 Military Plaza, not less than 21 days prior to Election Day.

SECTION 13. All resident qualified voters of the City shall be permitted to vote at the May 9, 2015 election and on the day of the election, such electors shall vote at the designated polling places. The election shall be held and conducted in accordance with the provisions of the Texas Election Code, as amended, and the provisions of the Texas Government Code, and as may be required by any other law. All election materials and proceedings shall be printed in both English and Spanish. The official ballots for the May 9, 2015 Charter amendment election shall be prepared in accordance with the Texas Election Code.

SECTION 14. If any provision of this Ordinance or its application to any person or circumstance shall be held to be invalid, the remainder of this Ordinance and the application of such provision to other persons and circumstances shall nevertheless be

valid, and this Council declares that this Ordinance would have been enacted without such invalid provision.

SECTION 15. It is officially found, determined, and declared that the meeting at which this Ordinance is adopted was open to the public and public notice of the time, place, and subject matter of the public business to be considered at such meeting, including this Ordinance, was given, all as required by Chapter 551, Texas Government Code.

SECTION 16. This ordinance is effective immediately upon the receipt of eight affirmative votes; otherwise, it is effective ten days after passage.

PASSED AND APPROVED *this 26th day of February, 2015.*

M A Y O R
Ivy R. Taylor

ATTEST:

Leticia M. Vacek, City Clerk

APPROVED AS TO FORM:

Martha G. Sepeda, Acting City Attorney