

Outdated/ Superseded Charter Provisions

1. ARTICLE II. CITY 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~~ two copies of such code or codification are filed for permanent ~~record~~ reference 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 ~~three (3)~~ [two] copies ~~thereof~~ are filed for permanent reference and inspection in the office of the city clerk prior to ~~the~~ adoption ~~thereof~~. Authorized electronic access must be made available to the public on the city website. 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a superseding rule, regulation, statute, published code, specification or requirement, which must be kept for permanent historical reference.

2. ARTICLE IV. RECALL, INITIATIVE AND REFERENDUM

With respect to Section 41, current Charter language requires an election for initiative or referendum to be held not less than thirty nor more than ninety days from the date the council takes its final vote on an initiated or referred ordinance. This Section is now superseded by State law that limits elections to the two uniform election dates in November and May.

Sec. 41. Submission to electors.

If the council shall fail to pass an ordinance proposed by initiative petition, or shall pass it in a form different from that set forth in the petition therefor, or if the council fail to repeal a referred ordinance, the proposed or referred ordinance shall be submitted to the electors ~~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.~~ on the next authorized uniform election date that allows enough time to hold the election in the manner required by law.

2. ARTICLE V. ADMINISTRATIVE SERVICE

With respect to Section 47, if the Council office is vacant due to a removal for official misconduct, the Council may appoint a successor. This conflicts with the provision of Section 8, where the Council must order a special election to fill the vacancy if more than 270 days remain in the term.

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 of ~~his~~ their 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 thereof shall give orders to any subordinates of the city manager, either publicly or privately. Any violations 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 ~~appoint a successor~~ fill in accordance with the provisions of Section 8 herein.

With respect to Section 62, the current provision requires the director to be a licensed physician. State law provides that the director of public health be trained in public health administration, and that a director who is not a physician may appoint a physician to serve as the health authority. This amendment provides greater latitude in the hiring of the director of public health.

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

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

3. ARTICLE VI. CIVIL SERVICE

Section 76 of the Charter addresses the procedures a civil service employee must follow in order to timely file an appeal of a suspension, demotion or termination. Current provision allows the employee ten days to file their appeal, but the timeline includes Saturdays when city offices are closed. This proposed amendment will allow for a civil service employee to appeal in ten days but only include business days.

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 his usual place of residence. Such person, within ten working 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 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.

Section 78 of the Charter addresses prohibited political activities of employees. State law changed in 2013, prohibiting Cities from terminating the employment of city employees when they become a candidate for local office, as long as the employee can faithfully perform their official duties. Our current provisions need to be amended to comply with current state law. One other provision contains two typographical errors.

Sec. 78. Prohibitions.

Discussion Points on Outdated and Superseded Provisions – Working Copy

(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 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 his own candidacy or campaign.

~~(e)~~~~(d)~~ 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 his 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)~~~~(e)~~ 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.

~~(e)~~~~(f)~~ 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.

4. ARTICLE VII. FINANCE

With respect to Sections 82 and 83 of Article VII, Finance has proposed several revisions to provide for a gender neutral reference to the City Manager and update technology used with respect to the budget adoption and disbursement of funds.

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 not less than ten copies to be made available in the office of the City Clerk 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.

(Ord. No. 85965, § 1 (Prop. 1), 5-5-97)

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 ~~he~~ the City Manager 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, ~~he~~ the City Manager 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.

With respect to Section 85 of Article VII, the revisions are proposed to provide for appropriation of excess revenues as recommended by the City Manager and approved by the City Council, rather than for the retirement of unbonded indebtedness.

Sec. 85. Appropriation of excess revenue.

If at any time the total ~~accruing~~ revenues of collected by the City shall be in excess of the total estimated ~~income~~ revenue, as set forth in the annual budget estimate, the ~~Council~~ 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. 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 ~~or public works, capital or maintenance projects~~ 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.

(Ord. No. 85965, § 1 (Prop. 1), 5-5-97)

With respect to Section 94 of Article VII, the revisions are proposed to conform the Charter provisions to the current practice of adopting the Annual Operating Budget and setting the tax rate for the current tax year on the same date.

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.

With respect to Section 95A. of Article VII, Finance has proposed to delete this section because it is obsolete in that the changes authorized in this Section have already been enacted.

~~Sec. 95A. Change in tax and fiscal years.~~

Discussion Points on Outdated and Superseded Provisions – Working Copy

~~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.~~

~~(Ord. No. 85965, § 1 (Prop. 1), 5-5-97)~~

With respect to Section 96A. of Article VII, we propose the following revision to update the Section to coincide with the provisions in Section 33.07 of the Tax Code. This provision took effect in 2001, to provide that the amount of the penalty imposed on July 1st may not exceed the amount of the compensation specified in the delinquent tax collection contract between a taxing unit and the law firm collecting the delinquent taxes.

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 ~~15 percent of the amount of taxes, penalty and interest due~~ the amount provided by state law.

With respect to Sections 104, 105 and 106 of Article VII, Finance has proposed several revisions to provide for a gender neutral reference to the Director of Finance and the City Manager, update the reference to the year, and update technology used with respect to the disbursement of funds.

Sec. 104. Disbursement of funds.

All checks, vouchers, ~~or~~ warrants or wires for the withdrawal of money from the City depository shall be signed by the Director of Finance, or ~~his~~ the Director's deputy designee; provided, however, that checks, vouchers, ~~or~~ warrants or wires for the

withdrawal of sinking funds shall also be signed by the City Manager, or, in ~~his~~ the City Manager's 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.
(Ord. No. 85965, § 1 (Prop. 1), 5-5-97)

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.
(Ord. No. 85965, § 1 (Prop. 1), 5-5-97)

5. ARTICLE XII. GENERAL PROVISIONS

With respect to Section 145, this provision is outdated. It predates the adoption of the Texas Public Information Act.

Sec. 145. City records open to public.

~~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. All records of the City shall be available to the public as provided by state law.~~

Section 163 has a typographical error, as a result of the 1997 update to remove outdated statutory references. The proposed changes are set forth below.

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.
(Ord. No. 85965, § 1 (Prop. 1), 5-5-97)