

AN ORDINANCE

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

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WHEREAS, the City Council of the City of San Antonio's action to withdraw the City's participation in the VIA streetcar program on Thursday, August 7, 2014, through Ordinance No. 2014-08-07-0519, acknowledged the efforts of the Streetcar Vote Coalition and the petitions it collected containing over 26,000 signatures seeking an election to amend the City Charter to require an election on streetcar or light rail; and

WHEREAS, the number of signatures submitted to the City Clerk on July 8, 2014 provides clear evidence of the strong community interest in a public vote on a streetcar or light rail system that City Council hereby recognizes by the actions in this ordinance; and

WHEREAS, the City Council of the City of San Antonio, Texas wishes to order 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; **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 proposition 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?

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?

SECTION 3. If adopted, the City Charter shall be amended as follows, adding the underlined language:

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.

SECTION 4. The Proposition, 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, is effective when the City Council enters an order stating an effective date of the proposition and states on the records of the City declaring that the Charter Amendment has been adopted.

SECTION 5. 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 6. 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 7. 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 8. 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 9. 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 10. 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 11. 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 12. 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 13. 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 14. This ordinance is effective immediately upon the receipt of eight affirmative votes; otherwise, it is effective ten days after passage.

***PASSED AND APPROVED** this 4th day of September, 2014.*

M A Y O R
Ivy R. Taylor

ATTEST:

APPROVED AS TO FORM:

Leticia M. Vacek, City Clerk

Robert F. Greenblum, City Attorney