

ORDINANCE 2021 - 02 - 11 - 0089

**ORDERING AN ELECTION TO BE HELD ON SATURDAY, MAY 1, 2021, IN THE CITY OF SAN ANTONIO, BEXAR COUNTY, TEXAS ON THE QUESTION OF REPEAL OF THE ADOPTION OF THE STATE LAW THAT ESTABLISHES COLLECTIVE BARGAINING, FOR SAN ANTONIO POLICE OFFICERS.**

\* \* \* \* \*

**WHEREAS**, on December 17, 1974, the voters of the City of San Antonio adopted Chapter 174 of the Texas Local Government Code which establishes collective bargaining, for San Antonio police officers; and

**WHEREAS**, on January 8, 2021, the City received a petition seeking an election to repeal the adoption of Chapter 174 for City of San Antonio Police Officers, and the City Clerk certified that the petition was signed by at least 20,282 qualified voters, more than the statutorily required minimum number of 20,000; and

**WHEREAS**, following certification by the City Clerk, the City Council is statutorily required to order a special election for the voters of San Antonio to consider the repeal of the adoption of Chapter 174 collective bargaining for San Antonio Police Officers; **NOW THEREFORE:**

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

**SECTION 1.** A special election is ordered to be held in the various voting precincts of the City of San Antonio on Saturday, May 1, 2021, to submit the following proposition to repeal the adoption of Local Government Code Chapter 174, the state law establishing collective bargaining as applicable to the City of San Antonio police officers, to the qualified voters of the City:

**CITY OF SAN ANTONIO PROPOSITION B**

Shall the adoption of the state law applicable to City of San Antonio police officers that establishes collective bargaining if a majority of the affected employees favor representation by an employees association, preserves the prohibition against strikes and lockouts, and provides penalties for strikes and lockouts be repealed?

**SECTION 2.** The official ballots for the election shall be prepared in accordance with the Texas Election Code and the Texas Local Government Code, Chapter 174, Section 174.053(b), to permit the electors to vote "FOR" or "AGAINST" the proposition, with the ballots to contain provisions, markings, and language as required by law, with the proposition to be expressed substantially as follows:

**CITY OF SAN ANTONIO PROPOSITION B**

FOR } REPEAL OF THE ADOPTION OF THE STATE LAW APPLICABLE TO CITY OF SAN ANTONIO POLICE OFFICERS THAT ESTABLISHES COLLECTIVE BARGAINING IF A MAJORITY OF THE AFFECTED EMPLOYEES FAVOR REPRESENTATION BY AN EMPLOYEES ASSOCIATION, PRESERVES THE PROHIBITION AGAINST STRIKES AND LOCKOUTS, AND PROVIDES  
AGAINST } PENALTIES FOR STRIKES AND LOCKOUTS.

**SECTION 3. CANVASS AND EFFECTIVE DATE.** The City Council shall canvass the results of the election during the regularly scheduled “B” Session on Wednesday, May 12, 2021. State law mandates that if the majority of the votes cast in the election favor repeal of the adoption of Chapter 174 as applicable to the San Antonio police officers, the collective bargaining provisions of the chapter are void as to the City of San Antonio.

**SECTION 4. JOINT ELECTION; CONTRACT FOR ELECTION SERVICES.** The City Council also authorizes the Saturday, May 1, 2021 special 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 5. PRECINCTS AND POLLING LOCATIONS; HOURS OF VOTING.** The Charter amendment election shall be held as prescribed by law. The Charter election shall be held as prescribed by law between the hours of 7:00 a.m. and 7:00 p.m. on Saturday, May 1, 2021, at the precincts of the City of San Antonio at the locations listed by the Bexar County Elections Administration office. The list of locations, as currently anticipated, is attached as **Exhibit A** and may be updated by the Administrator on its website at: <https://www.bexar.org/1568/Elections-Department> .

**SECTION 6. VOTING SYSTEM.** Voting on Election Day shall be conducted by the use of ES&S EVS 6.0.2.0 equipment, comprised of the ExpressVote (voting unit), the DS200 (Tabulator), the Express Touch (Curbside unit) and the DS450 and 850 (for tabulating the mail ballots, as determined by the City Clerk and the Bexar County Elections Administrator.

For early voting by mail and for provisional voting at this election, voting shall be conducted using the 850 equipment, and paper ballots.

For early voting by personal appearance, voting shall be conducted using the same equipment as on Election Day. The equipment shall be placed at branch offices established for the purpose of conducting early voting by personal appearance at the locations and during the dates and hours listed by the Bexar County Elections Administration office, in an attachment to the election agreement brought to Council for consideration at a later meeting.

**SECTION 7. VOTER REGISTRATION; EARLY VOTING.** The last day to register to vote in the May 1, 2021 election is Thursday, April 1, 2021. Early voting by personal appearance shall be conducted at the branch offices during the period for early voting, commencing Monday, April 19, 2021, and ending on Tuesday, April 27, 2021. Hours of early voting are established by the Bexar County Elections Administrator in accordance with the applicable provisions of Texas law. A copy of the locations as identified on the date of this ordinance and hours for early voting are attached as **Exhibit B**. If any locations are changed, this will be reflected on the Bexar County Elections webpage found here: <https://www.bexar.org/1568/Elections-Department>



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  
Bexar County Elections Administrator  
1103 S. Frio, Suite 100  
San Antonio, TX 78207

The last day for the Administrator to accept an application by mail for a ballot to be voted by mail is by close of business on Tuesday, April 20, 2021.

**SECTION 8. NOTICE.** (a) *Form of Notice of Election.* The City Clerk of the City of San Antonio is authorized and directed to prepare a form of the Notice of Election in both English and Spanish, the contents of which comply with the requirements of Section 4.004 of the Texas Election Code and any other applicable law, and will include at the minimum, the nature and date of the election; the location of each election day and early voting polling place; the hours the polls will be open; the locations, dates and times of temporary branch locations of early voting by personal appearance; the early voting clerk's mailing address; and any other information required by other law, and with variations as permitted by applicable law.

(b) *Method of Giving Notice.* Notice of the election shall be given by posting a copy of the Notice of Election, both in English and Spanish, not later than the 21<sup>st</sup> day before the date set for the election as required by state law. Notice of the election shall also be given by publishing a Notice of Election, both in English and Spanish, at least once, not earlier than the 30<sup>th</sup> day or later than the 10<sup>th</sup> day before Election Day, in a newspaper of general circulation published in the City of San Antonio. The City Council declares that the *San Antonio Express News* is a newspaper of general circulation within the city.

**SECTION 9. ELECTION MATERIAL.** All resident qualified electors of the City shall be permitted to vote at the election and on the day of the election, 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 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 Saturday, May 1, 2021 election shall be prepared in accordance with the Texas Election Code.

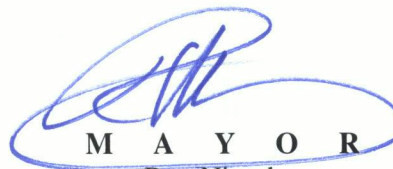
**SECTION 10.** If any provision of this Ordinance or its application to any person or circumstance shall be held to be invalid, the remainder of this Ordinance and the application of such provision to other persons and circumstances shall nevertheless be valid, and this Council declares that this Ordinance would have been enacted without such invalid provision.

**SECTION 11.** 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.

CWK  
02/11/2021  
Item No 4C

**SECTION 12.** This ordinance is effective immediately upon the receipt of eight affirmative votes; otherwise, it is effective ten days after passage.

***PASSED AND APPROVED*** this the 11th day of February 2021.

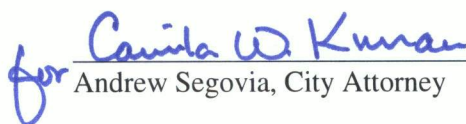


M A Y O R  
Ron Nirenberg

**ATTEST:**

  
Tina J. Flores, City Clerk

**APPROVED AS TO FORM:**

  
Andrew Segovia, City Attorney



# City of San Antonio

## City Council

February 11, 2021

**Item: 4C**

**File Number: 21-1612**

**Enactment Number:**

**2021-02-11-0089**

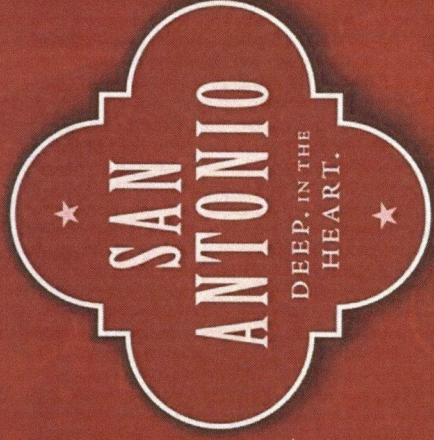
Certification of the sufficiency of the signatures of the petition submitted regarding the repeal of the adoption of Texas Local Government Code, Chapter 174 that provides for Collective Bargaining for San Antonio Police Officers, and ordering a special election on May 1, 2021 for the registered voters of the City of San Antonio to consider the matter. [Tina J. Flores, City Clerk]

Councilmember Rebecca Viagran made a motion to approve. Councilmember Ana E. Sandoval seconded the motion. The motion passed by the following vote:

**Aye:** 11 Nirenberg, Treviño, Andrews-Sullivan, Viagran, Rocha Garcia, Gonzales, Cabello Havrda, Sandoval, Pelaez, Courage and Perry







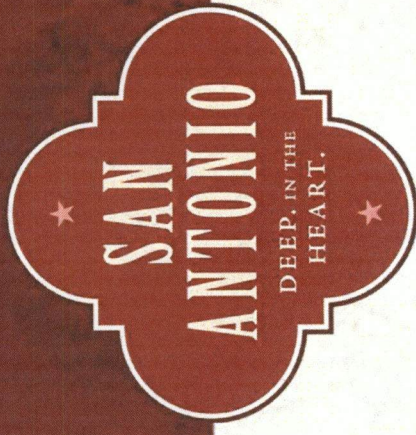
**Report on the Petition to Repeal Chapter  
174 of the Local Government Code  
submitted to the Office of the City Clerk**

**Tina J. Flores, City Clerk**

**Item # 4  
February 11, 2021**



# History

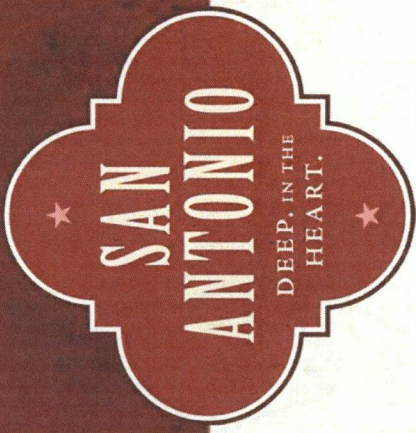


- On Friday, January 8, 2021, I received a Petition with the following verbiage:

“Petition to repeal Chapter 174 of the Texas Local Government Code, which would eliminate collective bargaining applicable to the City of San Antonio’s Police Officers, pursuant to Chapter 174.053 of the Texas Local Government Code. This petition requests the City Council to conduct an election of registered voters to determine whether Chapter 174 shall be repealed in its entirety.”



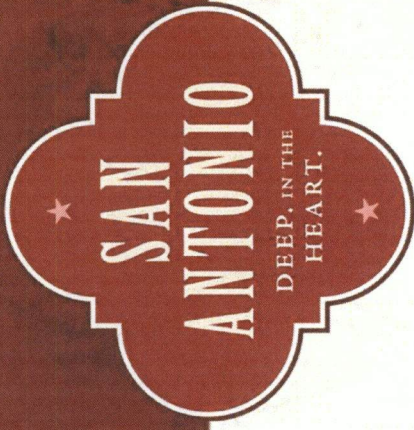
# Verification Process



- The Office of the City Clerk utilized the Bexar County Elections Office Votec Elections Management And Compliance System (VEMACS) loaned to us at the Bexar County Elections Office.
- VEMACS was programmed in accordance with provisions outlined in Chapter 277 of the Texas Election Code. VEMACS allows users to search and verify by Voter Identification Number, Name, Address, or Date of Birth as well as providing for signature verification.



# Certification of Petition Pages



- The following numbers represent the signatures verified for the Petition:

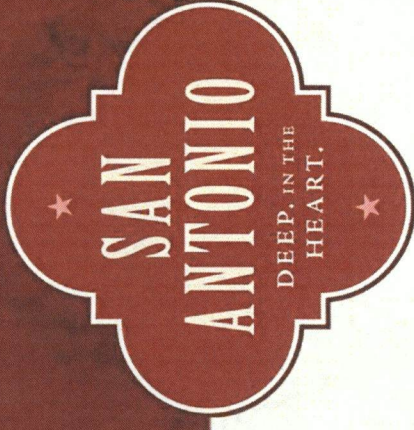
RULE DESCRIPTION	TOTAL
<b>Valid (OK)</b>	<b>20,282</b>
Not Registered (NR)	1,541
Valid Duplicate on Petition (VD)	428
Voter Cancelled (CAN)	234
Signature Questionable (SQ)	1
Signed prior to Voter Registration (RD)	61
Signing Date Invalid (SD)	225
Voter Status Not Registered (SNR)	22
District Invalid (WD) – Out of City	2,922
*Unchecked Line (NCK)	2,744
Signature Rejected (SR)	386
Address Rejected (AR)	4
No Circulator on Page (NC)	10
Neither VUID or DOB (NVB)	1
<b>GRAND TOTAL (Lines)</b>	<b>28,861</b>

- Pages numbered 6001 – 6916 were not verified as they were not needed to reach the statutory requirement.
- Pages numbered 6717 – 6916 did not meet the statutory requirement of a circulator statement.

\*Includes: Blank lines, missing required data, and not verified



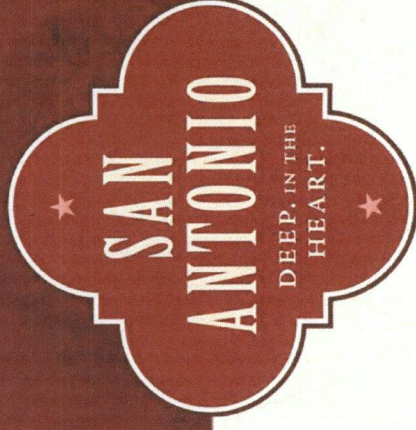
# Certification



- Per Section 37 of the City Charter and Section 9.004 of the Local Government Code, I have determined that each verified page of the petition has a proper statement of the circulator and has been signed by a sufficient number of qualified electors.
- I hereby certify the results of my examination of the petition submitted as valid.
- Certification is hereby declared, and action is required.
- Council must order election on the matter.



## Next Steps



- Notice of sufficiency to FixSAPD whom submitted the petitions.
- The City Council has until Friday, February 12, 2021 to call a Special Election for the May 1, 2021 Ballot.