

ORDINANCE 2021-02-11-0088

**ORDERING AN ELECTION FOR A CITY CHARTER AMENDMENT TO BE HELD ON SATURDAY, MAY 1, 2021, IN THE CITY OF SAN ANTONIO, BEXAR COUNTY, TEXAS.**

\* \* \* \* \*

**WHEREAS**, the City of San Antonio Charter's current bond language allows only for the construction of public works projects; and

**WHEREAS**, the 2016-2017 and the 2018 Charter Review Commissions identified the need to include bond propositions that promoted the growth of our region's affordable housing stock and reviewed draft ballot language developed by outside bond counsel that would be presented to the voters for approval to allow the City to issue bonds for public purposes that include the provision of affordable housing; and

**WHEREAS**, this proposed language would align San Antonio with other Texas municipalities, such as Dallas's 2017 bond program which included an initiative to revitalize mixed income housing units, and Austin voters approved an affordable housing bond proposition in 2018 that will aid in the construction and revitalization of nearly 3,500 rented and owned units; and

**WHEREAS**, it is now necessary to vote on the item to order an election to amend the City Charter;  
**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 1, 2021, to submit the following proposition to amend the City Charter of the City of San Antonio to the qualified voters of the City:

**CITY OF SAN ANTONIO PROPOSITION A**

Shall the City Charter be amended to allow the City to issue bonds for permanent public improvements or any other public purpose not prohibited by the Texas Constitution or the general laws of the State of Texas, to include affordable housing programs in scope and breadth as determined by ordinance of the City Council, following an election on that matter?

**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:

8890-11-30 CITY OF SAN ANTONIO PROPOSITION A

FOR } SHALL THE CITY CHARTER BE AMENDED TO ALLOW  
THE CITY TO ISSUE BONDS FOR PERMANENT PUBLIC  
IMPROVEMENTS OR ANY OTHER PUBLIC PURPOSE,  
NOT PROHIBITED BY THE TEXAS CONSTITUTION OR  
THE GENERAL LAWS OF THE STATE OF TEXAS, TO  
INCLUDE AFFORDABLE HOUSING PROGRAMS IN  
SCOPE AND BREADTH AS DETERMINED BY  
AGAINST } ORDINANCE OF THE CITY COUNCIL FOLLOWING AN  
ELECTION ON THAT MATTER?

**SECTION 3.** If adopted, the specific provision of the City Charter listed below shall be amended by adding the underscored words [and deleting those struck through and bracketed] to read in its entirety as follows:

**Sec. 98. - Authority to issue bonds.**

The City shall have power to borrow money on the credit of the City and to issue bonds [~~to construct, acquire, equip, renovate, improve and repair public works~~]for permanent public improvements or for any other public purpose[s] not prohibited by the Texas Constitution or the general laws of the State of Texas to include affordable housing programs in scope and breadth as determined by ordinance of the City Council, and to fund or refund any bonded indebtedness; provided, however, that any proposition to borrow money and to issue bonds, except as otherwise authorized by the general laws of Texas, shall be first approved by a majority of the qualified electors of the City voting in an election held, as prescribed by ordinance, as nearly in accord with this charter and the laws regulating City elections as may be practicable. The ordinance calling such election shall distinctly specify the purpose thereof; provided, however, that more than one subject or purpose may be included but each shall be separately stated. No election shall be required to authorize the refunding of bonds issued and outstanding. The total bonded debt of the City shall never exceed ten percent of the total assessed valuation of property shown by the last assessment roll, exclusive of any indebtedness secured in whole or in part by special assessments, exclusive of the bonded debt of any improvement district, and exclusive of any indebtedness secured by revenues, other than taxes, of the City or of any department or agency thereof.

**SECTION 4. . CANVASS DATE.** The City Council shall canvass the results of the election during the regularly scheduled “B” Session on Wednesday, May 12, 2021.

**SECTION 5. CERTIFICATION.** As soon as practicable after the election and the declaration by the City Council that this Charter 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. JOINT ELECTION; CONTRACT FOR ELECTION SERVICES.** The City Council also authorizes the Saturday, May 1, 2021 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. 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 8. 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 (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 9. 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 10. 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 *San Antonio Express News* is a newspaper of general circulation within the city.


**SECTION 11. ELECTION MATERIAL.** All resident qualified electors of the City shall be permitted to vote at the 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 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 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 the 11th day of February 2021.




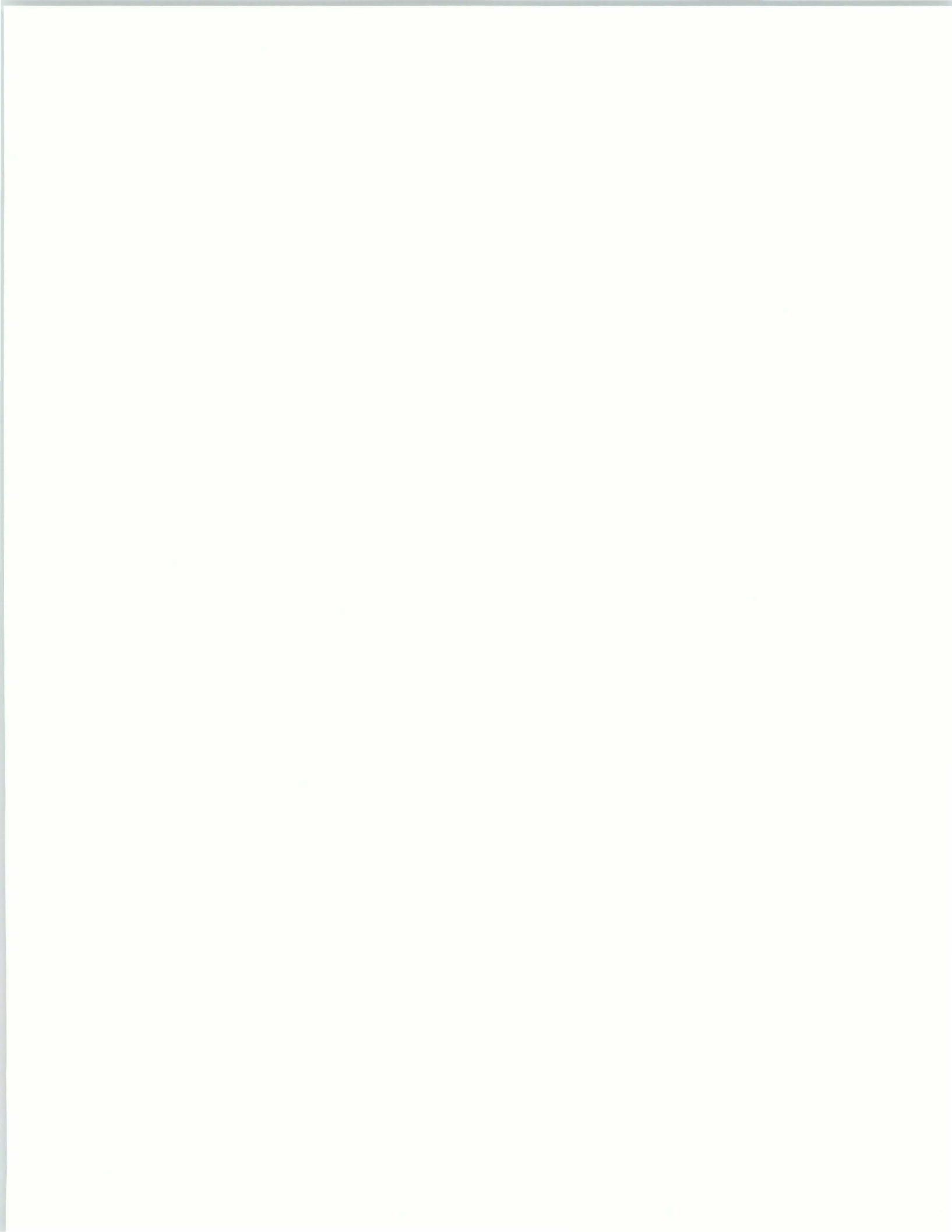
**M A Y O R**  
Ron Nirenberg

**ATTEST:**

  
\_\_\_\_\_  
Tina J. Flores, City Clerk

**APPROVED AS TO FORM:**

  
\_\_\_\_\_  
for Andrew Segovia, City Attorney





# City of San Antonio

## City Council

February 11, 2021

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**Item: 4B**

**File Number: 21-1544**

**Enactment Number:**

**2021-02-11-0088**

Ordinance ordering an election for May 1, 2021 to amend the City Charter to allow the City to issue bonds for permanent public improvements or any other public purpose including affordable housing projects. [Andy Segovia, City Attorney]

Councilmember Shirley Gonzales made a motion to approve. Councilmember Rebecca Viagran seconded the motion. The motion passed by the following vote:

**Aye:** 10 Nirenberg, Treviño, Andrews-Sullivan, Viagran, Rocha Garcia,  
Gonzales, Cabello Havrda, Sandoval, Pelaez and Courage

**Nay:** 1 Perry

