

ORDINANCE

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.

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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association, preserves the prohibition against strikes and lockouts, and provides penalties for strikes and lockouts be repealed?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 4. 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 5. 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 6. 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 7. 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 8. 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 9. 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 21st 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 30th day or later than the 10th 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 10. 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 11. 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 12. 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 13. 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:

APPROVED AS TO FORM:

Tina J. Flores, City Clerk

Andrew Segovia, City Attorney