

AN ORDINANCE 2018-11-15-0900

CANVASSING THE CITY CHARTER AMENDMENT ELECTION HELD ON TUESDAY, NOVEMBER 6, 2018, IN THE CITY OF SAN ANTONIO, BEXAR COUNTY, TEXAS.

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WHEREAS, on April 11, 2018, the fire union submitted to the City Clerk three petitions to amend the City Charter, which she certified to the City Council were sufficient to be submitted to the electors of the City; and

WHEREAS, the first petition, which became Proposition A, sought to amend the Charter to expand the types of ordinances that may be subject to referendum including appropriation of money, levying a tax, granting a franchise, fixing public utility rates, zoning and rezoning of property; and increase the number of days within which a petition may be filed seeking a referendum on an ordinance passed by council from forty to one hundred eighty days after passage of the ordinance; and to provide that no more than twenty thousand signatures of registered voters are required for a referendum petition instead of ten percent of those electors qualified to vote at the last regular municipal election; and

WHEREAS, the second petition, which became Proposition B, sought to amend the Charter to limit the term the City Manager may serve to no longer than eight years, to limit the compensation of the City Manager to no more than ten times the annual salary furnished to the lowest paid full-time city employee, and to require a supermajority vote to appoint the City Manager; and

WHEREAS, the third petition, which became Proposition C, sought to amend the Charter to provide the International Association of Fire Fighters Local 624 with unilateral authority to require the City to participate in binding arbitration of all issues in dispute with the Association within forty-five days of the City's receipt of the Association's written arbitration request; and

WHEREAS, on Tuesday, November 6, 2018, an election was held for the purpose of providing the voters the opportunity to amend the City Charter through the three Propositions; and

WHEREAS, the Propositions were submitted to the voters, the election was held and conducted, and the returns reviewed and investigated, all as required by the City Charter, the Texas Election Code, and the laws of the State of Texas, and it is now necessary to declare the official results of the canvass; **NOW THEREFORE:**

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

SECTION 1. The City Council, having convened on this 15th day of November, 2018, to canvass the returns of the City Charter Amendment Election held November 6, 2018, and after canvassing the returns of this election, officially finds and determines that this election was duly ordered; proper notice of this election was given; proper election officers were duly appointed prior to this election; the election was duly held; the City has complied with the Federal Voting Rights Act, the Texas Election Code, and the City Charter, and the laws of the State of Texas; and

due returns of the result of this election have been made and delivered, all in accordance with the law and the Ordinances calling the Election.

SECTION 2. The City Council does officially find and declare the results of the City Charter Amendment Election to be as follows:

CITY OF SAN ANTONIO PROPOSITION A

Shall the City Charter be amended to expand the types of ordinances that may be subject to referendum including appropriation of money, levying a tax, granting a franchise, fixing public utility rates, zoning and rezoning of property; increase the number of days within which a petition may be filed seeking a referendum on an ordinance passed by council from forty to one hundred eighty days after passage of the ordinance; and to provide that no more than twenty thousand signatures of registered voters are required for a referendum petition instead of ten percent of those electors qualified to vote at the last regular municipal election?

FOR	164,690	45.78%
AGAINST	195,036	54.22%

CITY OF SAN ANTONIO PROPOSITION B

Shall the City Charter be amended to limit the term the City Manager may serve to no longer than eight years, limit the compensation of the City Manager to no more than ten times the annual salary furnished to the lowest paid full-time city employee, and to require a supermajority vote to appoint the City Manager?

FOR	217,022	59.20%
AGAINST	149,561	40.80%

CITY OF SAN ANTONIO PROPOSITION C

Shall the City Charter be amended to provide the International Association of Fire Fighters Local 624 with unilateral authority to require the City to participate in binding arbitration of all issues in dispute with the Association within forty-five days of the City's receipt of the Association's written arbitration request?

FOR	184,597	50.75%
AGAINST	179,135	49.25%

SECTION 3. The City Council finds that a majority of the resident, qualified voters of the City of San Antonio, Texas who voted in the November 6, 2018 City Charter Amendment Election have authorized the Charter to be amended through revisions of Section 45 and the creation of Article XIV, by adding the underscored words and deleting those struck through and bracketed to read in their entirety as follows:

Sec. 45. City manager - Selection, appointment and removal.

Par. 1. Selection. The council shall, by a supermajority vote (i.e., at least 67%) of its members, appoint a city manager who shall be chosen on the basis of his or her executive and administrative qualifications. He or she shall receive annual compensation as fixed by the council which, in no event, shall exceed, in toto, an amount greater than 10 times the annual salary furnished to the lowest paid full-time city employee, and shall, during his or her tenure of office, reside within the city. No person ever elected to office as a member of the governing body of the city shall be eligible for appointment as city manager.

Par. 2. Appointment and removal. The city manager shall be appointed for an indefinite term, but may not serve any more than eight years. The city manager [~~and~~] may be removed by resolution at the discretion of the council by a majority vote of its members. Upon passage of a resolution stating the intention to remove the city manager and the reasons therefor, a copy of which shall be immediately furnished him or her, the council may suspend him or her from duty, but his or her salary shall continue until his or her removal becomes effective. Within twenty days after the passage of such a resolution, the city manager may reply in writing to it, and may request a public hearing. If so requested the council shall fix a time and place for a public hearing upon the question of removal, which shall be held not sooner than ten days nor more than twenty days after the receipt of such request. The final resolution removing the city manager shall not be adopted until such public hearing, if requested, has been held. The action of the council in removing the city manager shall be final. In case of the absence, disability or suspension of the city manager, the council may designate a qualified administrative officer of the city to perform the duties of the office. Pending the selection of any city manager following the adoption of this Charter, the council may appoint an acting city manager, who shall have all of the qualifications, powers and duties hereinbefore prescribed for the city manager, and who shall serve for a period not to exceed three months.

Article XIV. Binding Arbitration with the International Association of Fire Fighters Local 624.

Sec. 169. Impasse. If the City and the International Association of Fire Fighters Local 624 have reached an impasse regarding the negotiation of a collective bargaining agreement as determined by the Association through written notice to the City:

(1) The Association, after written notice to the City containing specifications of the issues in dispute, may request arbitration and, in such event, the City and the Association shall submit all issues in dispute to arbitration within 45 days of the City's receipt of the Association's written arbitration request. The arbitration ruling shall be final, binding, and enforceable against both parties.

(2) Both parties shall select one arbitrator within 15 days of the Association's original request to arbitrate and provide written notification to the other party of the name and selected contact information for the selected arbitrator. The selected arbitrators shall attempt to select a third (neutral) arbitrator within 10 days of their selection in order to form a three-person Arbitration Board. If the arbitrators are unable to agree on a third arbitrator, either party may request the American Arbitration Association select the third arbitrator, according to its fair and regular procedures. The third arbitrator shall preside over the Board. Any decisions made by the Board at any stage of the arbitration process will be determined by simple majority vote of the selected arbitrators.

(3) Arbitration shall be conducted by the City and the Association pursuant to the procedures, time lines, duties, requirements and rights as set forth in the following provisions of Chapter 174 of the Texas Local Government Code: Tex. Loc. Gov't Code §§ 17 4.155, 17 4.157 - 17 4.162, 174.164 and 174.253, or any successor to these statutory provisions.

(4) In making its decision, the Board may consider only the following: (a) compensation and conditions of employment that prevail in comparable public sector employment in other cities; (b) the rate of increase or decrease in the cost of living for the San Antonio area as determined by the Consumer Price Index; (c) any of the following conditions: (i) hazards of employment, (ii) physical qualifications, (iii) educational qualifications, (iv) mental qualifications, (v) job training, (vi) skills, and (vii) any other factors the Board determines to be relevant to the issues raised by the parties; and (d) revenues available to the City and the impact of any arbitration ruling on the taxpayers of the City.

SECTION 4. No other provisions of the City Charter are changed by this election.

SECTION 5. The Charter amendments approved by the voters as provided for in this Ordinance shall not take effect until such time as all requirements established by the Texas Local Government Code have been met.

SECTION 6. 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 Resolution, was given, all as required by Chapter 551, Texas Government Code.

SECTION 7. This ordinance is effective immediately, if approved by eight or more affirmative votes; otherwise, it is effective on the tenth day from the date of passage.

PASSED AND APPROVED on this 15th day of November, 2018.



M A Y O R
Ron Nirenberg

ATTEST:



Leticia M. Vacek, City Clerk

APPROVED AS TO FORM:



Andrew Segovia, City Attorney

CITY COUNCIL MEETING

ITEMS 4A, 4B, 4C

DATE: November 15, 2018

TO APPROVE

NAME	ROLL CALL	MOTION	SECOND	ABSTAIN	AYE	NAY	ABSENT
Roberto C. Treviño DISTRICT 1		✓			✓		
William "Cruz" Shaw DISTRICT 2							X
Rebecca J. Viagran DISTRICT 3					✓		
Rey Saldaña DISTRICT 4					✓		
Shirley Gonzales DISTRICT 5					✓		
Greg Brockhouse DISTRICT 6					✓		
Ana E. Sandoval DISTRICT 7					✓		
Manny Peláez DISTRICT 8					✓		
John Courage DISTRICT 9			✓		✓		
Clayton H. Perry DISTRICT 10					✓		
Ron Nirenberg MAYOR					✓		

COMMENTS:
