

ORDINANCE

ORDERING A CITY CHARTER AMENDMENT ELECTION TO BE HELD ON TUESDAY, NOVEMBER 5, 2024, IN THE CITY OF SAN ANTONIO, BEXAR COUNTY, TEXAS.

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WHEREAS, on November 14, 2023, the Mayor appointed 15 members to the Charter Review Commission, charging it with a review of the City Charter, focusing on the ethics officer and other ethics revisions, city council compensation and term length, City Manager tenure and compensation, Council Districts and the Redistricting process, as well as the identification of outdated or superseded provisions, to be brought before the full Council as Charter amendment propositions; and

WHEREAS, the co-chairs of the Commission, Bonnie Prosser Elder and David Zammiello, assigned the members to five subcommittees to address each issue; and

WHEREAS, the Mayor added an additional charge to the Commission on January 22, 2024, asking the Language Modernization Subcommittee to review Section 11 of the Charter which speaks to special meetings to be held at the written request of three Council members; and

WHEREAS, the Charter Review Commission held twice-monthly meetings, numerous Subcommittee meetings, hosted five public hearings, provided access for input through the SA Speak UP, created a webpage for information on the process, and provided an email and telephone number for input by the public; and

WHEREAS, on June 5, 2024, the Commission briefed the City Council during a "B" Session, presenting their recommendations for the November 5, 2024, Charter Election; and

WHEREAS, the City Council met August 1, 2024 at a Special B Session to review the recommended propositions and ballot language; and

WHEREAS, it is now necessary to vote on the Charter Review Commission recommendations to amend the City Charter; **NOW THEREFORE:**

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

SECTION 1. ELECTION ORDERED; PROPOSITIONS. A Charter amendment election is ordered to be held in the various voting precincts of the City of San Antonio on Tuesday, November 5, 2024, to submit the following propositions 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 Article XIII, entitled Ethics Review Board, of the City Charter be amended to add a definition of "conflicts of interest"; require sufficient funding to the Ethics Review Board so it may perform all its assigned duties; and authorize the Ethics Review Board to accept or decline complaints that have been resolved by an entity other than the Ethics Review Board?

CITY OF SAN ANTONIO PROPOSITION B

Shall Sections 1, 2, 3, 4, 5, 7, 9, 11, 13, 15, 16, 17, 18, 20, 26, 27, 28, 29, 30, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 43, 45, 46, 47, 49, 51, 52, 53, 53a, 54, 55, 56, 58, 67, 68, Article V.A., 69, 70, 71, 72, 75, 76, 77, 78, 80, 81, 82, 83, 84, 85, 87, 89, 91, 93, 95, 96, 98, 99, 100, 101, 102, 103, 104, 105, 106, 107, Article VIII, 112, 117, 119, 121, 122, 123, 123A, 124, 125, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, of the City Charter be amended to revise or eliminate provisions which have been superseded by state law; and to update archaic language to current usage?

CITY OF SAN ANTONIO PROPOSITION C

Shall the Charter of the City of San Antonio be amended to grant to City Council the authority to set the full terms of the City Manager's employment including tenure and compensation?

CITY OF SAN ANTONIO PROPOSITION D

Shall the Charter of the City of San Antonio be amended to allow City employees to participate in local political activity consistent with State and Federal law while protecting employees against political retribution and maintaining a general prohibition on participation in local political activity for the City Leadership Team?

CITY OF SAN ANTONIO PROPOSITION E

Shall the Charter of the City of San Antonio be amended to set the compensation for City Council members and the Mayor at \$70,200 and \$87,800 annually with annual future adjustments to correlate to the HUD Income Limits for San Antonio?

CITY OF SAN ANTONIO PROPOSITION F

Shall the Charter of the City of San Antonio be amended to extend the terms of all elected members of City Council, including the Mayor, from two (2) years to four (4) years and changing the term limits from four (4) full terms to two (2) full terms while keeping the terms concurrent?

SECTION 2. BALLOT LANGUAGE. 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 PROPOSITIONS, with the ballots to contain such provisions, markings, and language as required by law, and with such PROPOSITIONS to be expressed substantially as follows:

PROPOSITION A

FOR)	Shall Article XIII, entitled Ethics Review Board, of the City Charter be amended to add a definition of "conflicts of interest"; require sufficient funding to the Ethics Review Board so it may perform all its assigned duties, and authorize the Ethics Review Board to accept or decline complaints that have been resolved by an entity other than the Ethics Review Board?
AGAINST)	

CITY OF SAN ANTONIO PROPOSITION B

FOR)	Shall Sections 1, 2, 3, 4, 5, 7, 9, 11, 13, 15, 16, 17, 18, 20, 26, 27, 28, 29, 30, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 43, 45, 46, 47, 49, 51, 52, 53, 53a,
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AGAINST)

54, 55, 56, 58, 67, 68, Article V.A., 69, 70, 71, 72, 75, 76, 77, 78, 80, 81, 82, 83, 84, 85, 87, 89, 91, 93, 95, 96, 98, 99, 100, 101, 102, 103, 104, 105, 106, 107, Article VIII, 112, 117, 119, 121, 122, 123, 123A, 124, 125, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, of the City Charter be amended to revise or eliminate provisions which have been superseded by state law; and to update archaic language to current usage?

CITY OF SAN ANTONIO PROPOSITION C

FOR)

Shall the Charter of the City of San Antonio be amended to grant to City Council the authority to set the full terms of the City Manager's employment including tenure and compensation?

AGAINST)

CITY OF SAN ANTONIO PROPOSITION D

FOR)

Shall the Charter of the City of San Antonio be amended to allow City employees to participate in local political activity consistent with State and Federal law while protecting employees against political retribution and maintaining a general prohibition on participation in local political activity for City executives and City non-elected officials?

AGAINST)

CITY OF SAN ANTONIO PROPOSITION E

FOR)

Shall the Charter of the City of San Antonio be amended to set the compensation for City Council members and the Mayor at \$70,200 and \$87,800 annually with annual future adjustments to correlate to the HUD Income Limits for San Antonio?

AGAINST)

CITY OF SAN ANTONIO PROPOSITION F

FOR)

Shall the Charter of the City of San Antonio be amended to extend the terms of all elected members of City Council, including the Mayor, from two (2) years to four (4) years and changing the term limits from four (4) full terms to two (2) full terms while keeping the terms concurrent?

AGAINST)

SECTION 3. EFFECT OF PROPOSITION E PASSAGE. If Proposition E is adopted by the qualified voters of the City of San Antonio, a temporary section will be added to the City Charter to establish that the amendment is applicable to the members of the City Council, including the Mayor, elected at the May 3, 2025 general election.

SECTION 4. EFFECT OF PROPOSITION F PASSAGE. If Proposition F is adopted by the qualified voters of the City of San Antonio, a temporary section will be added to the City Charter to establish an eight (8) year limit to the term of service for members of the City Council presently in office and applicable to the office they hold as of today's date.

SECTION 5. TEXT OF AMENDED CHARTER. If all propositions are adopted by the qualified voters of the City San Antonio, the City Charter s shall be amended by adding the underscored words and deleting those struck through and bracketed to read in their entirety as depicted in **Attachment 1** of this ordinance.

SECTION 6. EFFECTIVE DATE OF AMENDMENTS. The Propositions, if approved by a majority of the resident, qualified voters of the City of San Antonio, Texas, who vote in the November 5, 2024 election, are effective when the City Council enters an order stating an effective date of the propositions and states on the records of the City declaring that the Charter Amendments have been adopted.

SECTION 7. CERTIFICATION. 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 8. JOINT ELECTION. The City Council also authorizes the November 5, 2024 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 9. PRECINCTS AND POLLING LOCATIONS; HOURS OF VOTING. 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. 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 10. VOTING SYSTEM. Voting on Election Day, Tuesday, November 5, 2024, shall be conducted using 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 by the use of the 850 Tabulators, 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 11. VOTER REGISTRATION; EARLY VOTING. The last day to register to vote in the November 5, 2024 election is Monday, October 7, 2024. Early voting by personal appearance shall be conducted at the branch offices during the period for early voting, commencing Monday, October 21, 2024, and ending on Friday, November 1, 2024. 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 Friday, October 25, 2024.

SECTION 12. 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, on the same day in each of two successive weeks, 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.

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 13. CONTRACT FOR ELECTION SERVICES. The City Council will contract with the Bexar County Elections Administrator to conduct this election. The Council shall consider and approve this contract at a future meeting by passage of an ordinance.

SECTION 14. ELECTION MATERIAL. All resident qualified voters of the City shall be permitted to vote at the November 5, 2024 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 election shall be prepared in accordance with the Texas Election Code.

SECTION 15. SEVERABILITY. 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 16. OPEN MEETING. It is officially found, determined, and declared that the meeting at which this Ordinance was 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 17. EFFECTIVE DATE. This ordinance is effective immediately upon the receipt of eight

CWK
ITEM No.
08/08/24

THIS IS A DRAFT AND WILL BE REPLACED
WITH THE FINAL UPON COUNCIL APPROVAL

affirmative votes; otherwise, it is effective ten days after passage.

PASSED AND APPROVED this ____ day of August 2024.

M A Y O R
Ron Nirenberg

ATTEST:

Debbie Racca-Sittre, City Clerk

APPROVED AS TO FORM:

Andrew Segovia, City Attorney