

AN ORDINANCE 2018-08-16-0619

**ORDERING AN ELECTION FOR THREE CITY CHARTER AMENDMENTS
PROPOSED BY THE FIRE UNION TO BE HELD ON TUESDAY,
NOVEMBER 6, 2018, IN THE CITY OF SAN ANTONIO, BEXAR COUNTY,
TEXAS.**

* * * * *

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 seeks 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 seeks 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 seeks 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, it is now necessary to vote on the petition items 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 Tuesday, November 6, 2018, 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 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?

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?

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?

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:

CITY OF SAN ANTONIO PROPOSITION A

FOR } 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

AGAINST } 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?

CITY OF SAN ANTONIO PROPOSITION B

FOR } SHALL THE CITY CHARTER BE AMENDED TO LIMIT THE TERM THE CITY MANAGER MAY SERVE TO NO LONGER THAN EIGHT YEARS AND TO LIMIT THE COMPENSATION
AGAINST } OF THE CITY MANAGER TO NO MORE THAN TEN TIMES THE ANNUAL SALARY FURNISHED TO THE LOWEST PAID FULL-TIME CITY EMPLOYEE AND REQUIRE A SUPERMAJORITY VOTE OF CITY COUNCIL TO APPOINT THE CITY MANAGER?

CITY OF SAN ANTONIO PROPOSITION C

FOR } 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
AGAINST } ALL ISSUES IN DISPUTE WITH THE ASSOCIATION WITHIN FORTY-FIVE DAYS OF THE CITY'S RECEIPT OF THE ASSOCIATION'S WRITTEN ARBITRATION REQUEST?

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

Sec. 35. Power of referendum.

The electors shall have power to approve or reject at the polls any ordinance passed by the council save one [~~appropriating money, levying taxes, or fixing public utility rates, or any ordinance~~] submitted by the council of its own initiative to a vote of the electors; provided, however, that the foregoing limitation on ordinances subject to a referendum shall not apply to any ordinances enacted pursuant to the provisions of Article I, Section

3, Paragraph 12 of this Charter. Ordinances submitted to the council by initiative petition and passed by the council shall be subject to the referendum in the same manner as other ordinances. Within 180 ~~[forty]~~ days after the enactment by the council of any ordinance which is subject to a referendum, a petition signed by qualified electors of the city equal in number to at least ten per cent of the electors qualified to vote at the last preceding regular municipal election, or by 20,000 qualified electors, whichever number is less, may be filed with the city clerk requesting that any such ordinance be either repealed or submitted to a vote of the electors. ~~[In addition to the ordinances excepted above, ordinances zoning or rezoning property shall not be subject to this power.]~~

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. The Propositions, if approved by a majority of the resident, qualified voters of the City of San Antonio, Texas, who vote in the Tuesday, November 6, 2018 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 5. As soon as practicable after the election and the declaration by the City Council that amendments have 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. The City Council also authorizes the Tuesday, November 6, 2018 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. 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. An ordinance adopting the precincts and voting hours for the Tuesday, November 6, 2018 election will be considered at a later meeting.

SECTION 8. Voting on Election Day, Tuesday, November 6, 2018, shall be conducted by the use of AIS650 Tabulators, paper ballots, or the iVotronic™ touch screen voting system, as determined by the City Clerk and the Bexar County Elections Administrator.

For early voting by mail and for provisional voting at this election, the City Clerk has determined that voting shall be conducted by the use of the AIS650 Tabulators, and paper ballots.

For early voting by personal appearance, beginning on Monday, October 22, 2018, and ending on Friday, November 2, 2018, the City Clerk has determined that voting shall be

conducted by the use of the iVotronic™ touch screen voting system at polling locations to be determined by the Bexar County Elections Administrator. An ordinance authorizing the polling locations for early voting within Bexar County will be considered at a later meeting.

Early voting by personal appearance shall be conducted at the polling locations, during the period of early voting. Hours of early voting shall be established by the Bexar County Elections Administrator in accordance with the applicable provisions of Texas law.

SECTION 9. 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, Early Voting Clerk
Bexar County Elections Administrator
1103 S. Frio, Suite 100
San Antonio, TX 78207

The last day to receive an application for a ballot to be voted by mail is Friday, October 26, 2018.

SECTION 10. Notice of the Tuesday, November 6, 2018 Charter amendment election shall be given by publishing a substantial copy of the proposed amendment, both in English and in Spanish, in a newspaper of general circulation on the same day in each of two successive weeks, with the first publication occurring before the 14th date of the elections; and 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 11. All resident qualified voters of the City shall be permitted to vote at the Tuesday, November 6, 2018 election and on the day of the elections, 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 Tuesday, November 6, 2018 election shall be prepared in accordance with the Texas Election Code.

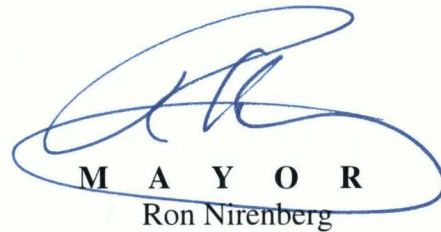
SECTION 12. If any provision of this Ordinance or its application to any person or circumstance shall be held to be invalid, the remainder of this Ordinance and the application of such provision to other persons and circumstances shall nevertheless be valid, and this Council declares that this Ordinance 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.

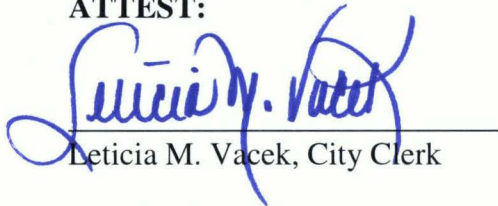
SECTION 14. This ordinance is effective immediately upon the receipt of eight affirmative votes; otherwise, it is effective ten days after passage.

PASSED AND APPROVED this the 16th day of August 2018.



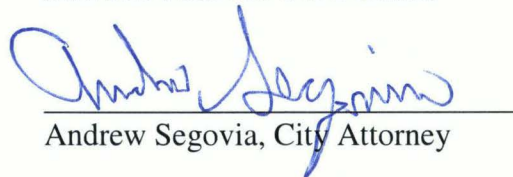
M A Y O R
Ron Nirenberg

ATTEST:



Leticia M. Vacek, City Clerk

APPROVED AS TO FORM:



Andrew Segovia, City Attorney

Agenda Item:	6						
Date:	08/16/2018						
Time:	10:35:35 AM						
Vote Type:	Motion to Approve						
Description:	Ordinance ordering an election for three City Charter Amendments proposed by the Fire Union to be held on Tuesday, November 6, 2018, in the City of San Antonio, Bexar County, Texas. [Andrew Segovia, City Attorney]						
Result:	Passed						
Voter	Group	Not Present	Yea	Nay	Abstain	Motion	Second
Ron Nirenberg	Mayor		x				
Roberto C. Treviño	District 1		x			x	
William Cruz Shaw	District 2		x				
Rebecca Viagran	District 3		x				x
Rey Saldaña	District 4		x				
Shirley Gonzales	District 5		x				
Greg Brockhouse	District 6		x				
Ana E. Sandoval	District 7		x				
Manny Pelaez	District 8		x				
John Courage	District 9		x				
Clayton H. Perry	District 10		x				