

**ORDINANCE NO.**

**AN ORDINANCE ORDERING AN ELECTION TO BE HELD IN THE CITY OF AUSTIN ON NOVEMBER 6, 2012, FOR THE PURPOSE OF SUBMITTING A PROPOSED CHARTER AMENDMENT TO THE VOTERS.**

**BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:**

**PART 1.** A charter amendment election shall be held in the City on November 6, 2012 at which the ballot shall be prepared to permit voting “yes” or “no” on the following proposition:

Proposition ---

Shall the city charter be amended to provide for the election of council members from 10 geographical single-member districts, with the mayor elected at large, to provide for four-year staggered terms for council members, and to provide for the City to hold its general election in even-numbered years?

**PART 2.** If Proposition --- is approved by the majority of voters voting at the election, Article II, Sections 1 and 2 of the city charter are repealed and replaced with new Sections 1 and 2 to read as follows:

**§ 1 MEMBERSHIP, ELECTION AND TERM OF COUNCIL MEMBERS.**

(A) The council shall be composed of:

(1) a mayor elected from the city at-large; and

(2) 10 council members elected from geographical council districts to be determined as provided by Section 2.

(B) The term “council member” includes the mayor unless otherwise provided. A reference to the city council includes the mayor.

(C) The council shall designate each geographical single-member council district by a number.

(D) Except as otherwise provided by this Charter or by law, a council member shall hold office for a term of four years or until a successor has been elected and qualified. If elected to fill an unexpired term, a council member shall hold

1 office for the remainder of the unexpired term or until a successor has been  
2 elected and qualified.

3 (E) The regular term of a council member begins on the date set by ordinance. A  
4 councilmember may qualify for office on that date or as soon thereafter as  
5 practicable. In the case of a special election to fill an unexpired term, the  
6 person elected may qualify and assume office as soon as practicable after the  
7 canvass of the election.

8 (F) A candidate for mayor must meet all eligibility requirements of state law and  
9 must have resided continuously in the state for 12 months and in the city for  
10 six months immediately preceding the regular filing deadline for a candidate's  
11 application for a place on the ballot. If the mayor ceases to reside in the city,  
12 the mayor automatically resigns.

13 (G) A candidate for city council must meet all eligibility requirements of state law  
14 and must have resided continuously in the state for 12 months and in the  
15 council district from which the member seeks election for six months  
16 immediately preceding the regular filing deadline for a candidate's application  
17 for a place on the ballot. If a council member elected from a council district  
18 ceases to reside in the district the council member automatically resigns, unless  
19 the council member ceases to reside in the district solely because the  
20 boundaries of the district have been redrawn during the council member's  
21 tenure.

## 22 **§ 2 REDISTRICTING; TRANSITION.**

23 (A) The boundaries of geographical single-member council districts shall be drawn  
24 by ordinance from time to time. Before enacting an ordinance drawing  
25 geographical council districts, the council shall consider the advice of a citizen  
26 board.

27 (B) The drawing of council district boundaries shall be accomplished as soon as  
28 practicable after the necessary data becomes publicly available after each  
29 decennial federal census, and at other times that the council finds redistricting  
30 is necessary or appropriate because of:

31 (1) a court order;

32 (2) requirements of state or federal law relating to a municipal boundary  
33 change; or

(3) demographic changes, or population disparities among districts, for which the city council finds that adjustments of the council district boundaries are necessary or appropriate.

(C) A general election shall be held on the first election date authorized by state law and by this Charter in an even-numbered year after the effective date of this section and after all legal prerequisites to the implementation of the council districts have been satisfied. On the qualification of the council members elected at that election the terms of all previously sitting council members shall end.

(D) As soon as practicable after assuming office after the first general election held under this article in which the first council members are elected from council districts, the council members elected from districts shall divide themselves into two classes by drawing lots. Members of class one shall serve initial two-year terms. Members of class two shall serve initial four-year terms. The mayor shall serve an initial four-year term. Thereafter all council members shall serve four year terms. Service in a two-year term under this subsection, or in a term shortened under subsection (C), shall not count in calculating whether a person is subject to a term limit provision that might otherwise apply.

(E) An ordinance enacted by the city council in anticipation of the amendments to this article submitted to the voters on November 6, 2012, is not void because of its anticipatory nature.

**PART 3.** If Proposition --- is approved by the majority of voters voting at the election, Article II, Sections 11 and 12 of the city charter are amended to read as follows:

## **§ 11 RULES OF PROCEDURE.**

The council shall by ordinance determine its own rules and order of business. A majority of the whole council [~~Four (4) or more councilmembers~~] shall constitute a quorum, and [~~but~~] no action of the council shall be of any force or effect unless it is adopted by the favorable votes of a majority of the whole council [~~four (4) councilmembers~~]. Minutes of all meetings of the council shall be taken and recorded, and such minutes shall constitute a public record.

## **§ 12 PROCEDURE TO ENACT LEGISLATION.**

The council shall legislate by ordinance only, and the enacting clause of every ordinance shall be, "BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF AUSTIN." Before any ordinance shall be adopted, the city attorney shall approve such ordinance in writing or shall file with the city clerk his or her written legal objections thereto. Every

1 ordinance enacted by the council shall be signed by the mayor, mayor pro tem, or by two  
2 [~~2~~] councilmembers, and shall be filed with and recorded by the city clerk before the  
3 same shall become effective. Unless otherwise provided by law or this Charter, no  
4 ordinance shall become effective until the expiration of 10 [~~ten (10)~~] days following the  
5 date of its final passage, except where an ordinance relating to the immediate  
6 preservation of the public peace, health or safety, is adopted as an emergency measure by  
7 the favorable votes of at least two-thirds [~~five (5) or more~~] of the councilmembers and  
8 contains a statement of the nature of the emergency.

9 **PART 4.** If Proposition --- is approved by the majority of voters voting at the election,  
10 Article IV, Sections 6, 7, and 8 of the city charter are amended to read as follows:

11 **§ 6 BALLOT FORM AND RESULTS OF ELECTION.**

12 The ballot used in voting upon an initiated or referred ordinance shall state the caption of  
13 the ordinance and below the caption shall set forth on separate lines the words, "For the  
14 Ordinance" and "Against the Ordinance."

15 Any number of ordinances may be voted on at the same election in accordance with the  
16 provisions of this article. If a majority of the votes cast is in favor of a submitted  
17 ordinance, it shall thereupon be effective as an ordinance of the city. An ordinance so  
18 adopted may be repealed or amended at any time after the expiration of two [~~2~~] years by  
19 favorable vote of at least three-fourths [~~six (6) members~~] of the council. A referred  
20 ordinance which is not approved by a majority of the votes cast shall be deemed  
21 thereupon repealed.

22 **§ 7 POWER OF RECALL.**

23 The people of the city reserve the power to recall any member of the council and may  
24 exercise such power by filing with the city clerk a petition, signed by qualified voters of  
25 the territory from which the council member is elected [~~city~~] equal in number to at least  
26 10 [~~ten (10)~~] percent of the qualified voters of the territory from which the council  
27 member is elected [~~city~~], demanding the removal of a councilmember. The petition shall  
28 be signed and verified in the manner required for an initiative petition, shall contain a  
29 general statement of the grounds for which the removal is sought, and one of the signers  
30 of each petition paper shall make an affidavit that the statements therein made are true.

31 **§ 8 RECALL ELECTION.**

32 Within 20 [~~twenty (20)~~] days after a recall petition is filed, the city clerk shall examine  
33 the same. The provisions regulating examination, certification and amendment of  
34 initiative petitions shall apply to recall petitions. If the petition is certified by the city  
35 clerk to be sufficient and the councilmember whose removal is sought does not resign  
36 within five [~~5~~] days after the certification to the council, the council shall order and hold

1 a recall election in the territory from which the council member is elected on the first  
2 authorized election date that allows sufficient time to comply with other requirements of  
3 law [within not less than thirty (30) nor more than sixty (60) days from such  
4 certification].

5 This ordinance takes effect on \_\_\_\_\_.

6  
7 **PASSED AND APPROVED**

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11 \_\_\_\_\_, 2012

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\_\_\_\_\_  
12 Lee Leffingwell  
13 Mayor  
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15  
16 **APPROVED:** \_\_\_\_\_

17 Karen Kennard  
18 City Attorney  
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**ATTEST:** \_\_\_\_\_

Shirley A. Gentry  
City Clerk