ORDINANCE NO. 20120807-B003

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 eight geographical single-member districts, with the mayor and two additional council members to be elected from the city at large?

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--- is approved by the majority of voters voting at the election, Article II, Sections 1 and 2 of the city charter are repealed and replaced with new Sections 1 and 2 to read as follows: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) If another provision of this Charter addressing the composition of the council is adopted on the same day as this section, this Section supersedes, preempts, and replaces that provision if the ballot proposition that adopted this Section received more favorable votes than the ballot proposition that adopted the other provision. If the ballot proposition that adopted the other provision received more favorable votes than the ballot proposition that adopted this Section, the other provision supersedes this Section to the extent of any conflict.

(B) The city council shall be composed of:

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

(2) two council members elected from the city at-large; and

(3) eight council members elected from geographical single-member council districts.

(C) The term "council member" includes the mayor unless otherwise provided. A reference to the city council includes the mayor.

(D) The city council shall designate each geographical council district by a number.

(E) A council member shall hold office for a term specified by this Charter or until a successor has been elected and qualified. If elected to fill an unexpired term, a council member shall hold office for the remainder of the unexpired term or until a successor has been elected and qualified.

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

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

§ 2 REDISTRICTING; TRANSITION.

(A) If another provision of this Charter addressing the drawing of council districts, redistricting, or the transition from an all at-large council to a council that includes members elected from geographical single-member districts is adopted on the same day as this section, this Section supersedes, preempts, and replaces that provision if the ballot proposition that adopted this section received more favorable votes than the ballot proposition that adopted the other provision. If the ballot proposition that adopted the other provision received more favorable votes than the ballot proposition that adopted this Section, the other provision supersedes this provision to the extent of any conflict.

(B) The boundaries of geographical single-member council districts shall be drawn by ordinance from time to time.

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

(1) a court order;

(2) requirements of state or federal law relating to a municipal boundary 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.

(D) A general election shall be held on the first election date authorized by state law and by this Charter after the effective date of this Section, and after all legal prerequisites to the implementation of the council districts have been satisfied, at which all of the council members specified by Section 1 shall be elected. On the qualification of the council members elected at that election the terms of all previously sitting council members shall end.

(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.

(F) The regular term of office for the mayor and council members is three years, unless another provision of this Charter provides for a four-year term, in which case that provision supersedes this Subsection as to the length of the term. Council terms shall be staggered so that half, or as near to half as is practicable, of the council is elected at each general election.

(G) The council shall provide by ordinance for any transitions necessitated by amendments to this Charter that are adopted by the voters on November 6, 2012. The ordinance may provide for drawing lots for initial terms or temporarily lengthening or shortening individual council member's terms to accomplish the transition. If a council member's term is shortened by more than a year for the purpose of the transition, that shortened term does not count as a term for the purpose of Article II, Section 3, of this Charter. When this Subsection has served its purpose, it expires and need not be reprinted in future versions of the Charter.

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

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

§ 6 BALLOT FORM AND RESULTS OF ELECTION.

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

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

§ 7 POWER OF RECALL.

The people of the city reserve the power to recall any member of the council and may exercise such power by filing with the city clerk a petition, signed by qualified voters of

the territory from which the council member is elected [~~city~~] equal in number to at least 10 [~~ten (10)~~] percent of the qualified voters of the territory from which the council member is elected [~~city~~], demanding the removal of a councilmember. The petition shall be signed and verified in the manner required for an initiative petition, shall contain a general statement of the grounds for which the removal is sought, and one of the signers of each petition paper shall make an affidavit that the statements therein made are true.

§ 8 RECALL ELECTION.

Within 20 [~~twenty (20)~~] days after a recall petition is filed, the city clerk shall examine the same. The provisions regulating examination, certification and amendment of initiative petitions shall apply to recall petitions. If the petition is certified by the city clerk to be sufficient and the councilmember whose removal is sought does not resign within five [~~(5)~~] days after the certification to the council, the council shall order and hold a recall election in the territory from which the council member is elected on the first authorized election date that allows sufficient time to comply with other requirements of law [~~within not less than thirty (30) nor more than sixty (60) days from such certification~~].

PART 5. This ordinance takes effect on August 7, 2012.

PASSED AND APPROVED

August 7, 2012

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Lee Leffingwell
Mayor

APPROVED:

Karen Kennard
City Attorney

ATTEST:

Shirley A. Gentry
City Clerk