ORDINANCE NO. 20120807-B005

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. Ordinance No. No. 20120628 – 091 is repealed.

PART 2. 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 move the City's general election date from May to November, to provide that council members serve four-year staggered terms, to provide that council elections occur in even-numbered years, and to limit the mayor and council members to two terms?

PART 3. If Proposition --- is approved by the majority of voters voting at the election, Article III, § 2 of the Charter is amended to read as follows:

§ 2 ELECTION DATE; COUNCIL TERMS; ELECTION BY MAJORITY AND RUN-OFF ELECTIONS.

(A) The City's general elections [~~regular election of the Mayor and councilmembers~~] shall be held on the November [~~May~~] uniform election date authorized by state law in even-numbered years. Notwithstanding any other provision of this Charter, the regular term of the mayor and council members is four years. Council terms shall be staggered so that a general election is held every two years, and half or as near to half as is practical, of the council is elected at each election.

(1) The council shall provide by ordinance for the transition from three-year terms to four-year terms and for staggering the terms of council members. 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 paragraph has served its purpose, it expires, and need not be reprinted in future versions of the Charter.

(B) At every regular election and at every special election called to fill one or more vacant places on the council, election to each place on the council shall be by a majority of all the votes cast for such place at such election. In every such election each qualified voter shall vote for not more than one candidate for each council place to be filled. Where in an election to a place on the council, no candidate receives a majority of all the votes cast for such place at such election, the council shall, immediately upon declaring the official results of the election, issue a call for a run-off election for every place to which no one was elected. Such run-off election shall be held in accordance with state law and the two [~~(2)~~] candidates who received in the preceding election the highest number of votes for each place to which no one was elected shall be voted on again, and the candidate who receives the majority of the votes cast for each such place in the run-off election shall be elected to such place.

PART 4. If Proposition --- is approved by the majority of voters voting at the election, Article II, § 3 of the Charter is amended to read as follows:

§ 3 TERM LIMITS.

(A) Except as provided in Subsection (C), a person may not be elected to or serve in the office of Mayor for more than two [~~three~~] consecutive terms, and a person who has held the office of Mayor for more than two years of a term to which some other person was elected Mayor may not be elected to the office of Mayor more than once in [~~twice~~] succession.

(B) Except as provided in Subsection (C), a person may not shall be elected to or serve on the City Council in a position other than Mayor for more than two [~~three~~] consecutive terms, and a person who has held a position other than Mayor for more than two years of a term to which some other person was elected to the position may not be elected to a position other than Mayor more than once [~~twice~~] in succession.

(C) A person subject to a term limit with respect to an office may become a candidate for the office and serve if elected if the person's application to be a candidate for the office is accompanied by a petition requesting that the person be authorized to be a candidate and the petition is signed by at least five per cent of the qualified voters of the territory from which the office is elected.

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 M. Kennard
City Attorney

ATTEST:

Shirley A. Gentry
City Clerk