



**RCA
CITY OF AUSTIN
RECOMMENDATION FOR COUNCIL ACTION**

**AGENDA ITEM NO.: 5
AGENDA DATE: Thu 03/03/2005
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SUBJECT: Consideration of and possible action on an ordinance ordering a special municipal election to be held on May 7, 2005, to submit to the voters of the city without amendment an initiated ordinance entitled "An Ordinance Repealing and Replacing City Code Chapter 10-6 Relating to Smoking in Public Places, Creating Offenses, and Providing Penalties," providing for the conduct of the election, and authorizing the City Clerk to enter such joint election agreements with other local political subdivisions as may be necessary for the orderly conduct of the election.

AMOUNT & SOURCE OF FUNDING: N/A

FISCAL NOTE: N/A

**REQUESTING City Clerk's Office
DEPARTMENT:**

**DIRECTOR'S
AUTHORIZATION:** Shirley Brown

FOR MORE INFORMATION CONTACT: Rosemary Ybarra, Administrative Manager/974-2499

PRIOR COUNCIL ACTION: N/A

BOARD AND COMMISSION ACTION: N/A

PURCHASING: N/A

MBE / WBE: N/A

Under Article IV, Section 5 of the City Charter, when an initiative petition is certified by the city clerk to be sufficient, the city council shall either (a) pass the initiated ordinance without amendment or (b) order an election and submit the initiated ordinance without amendment to the voters.

This item is on the agenda so that the council may, if the initiative petition is certified by the city clerk to be sufficient, pass an ordinance ordering a special election on the initiated ordinance relating to smoking in public places. The special election would be held in conjunction with the general election for city council Place 1, Place 3, and Place 4 already ordered for May 7, 2005.

As an alternative to ordering an election on the initiated ordinance, the city council may choose to pass the initiated ordinance without amendment.