

CITY OF LAREDO SPECIAL CITY COUNCIL MEETING

**A-2016-SC-10
CITY COUNCIL CHAMBERS
1110 HOUSTON STREET
LAREDO, TEXAS 78040
November 16, 2016
12:15 P.M.**



DISABILITY ACCESS STATEMENT



Persons with disabilities who plan to attend this meeting and who may need auxiliary aid or services are requested to contact Heberto "Beto" L. Ramirez, Acting City Secretary, at (956) 791-7308 at least two working days prior to the meeting so that appropriate arrangements can be made. The accessible entrance and accessible parking spaces are located at City Hall, 1100 Victoria Ave.

Out of consideration for all attendees of the City Council meetings, please turn off all cellular phones and pagers, or place on inaudible signal. Thank you for your consideration.

Pursuant to the Texas Penal Code (trespass by holder of license to carry a handgun), a person licensed under Subchapter H, Chapter 411, Government Code (Concealed Handgun Law or Handgun Licensing Law), may not enter into the City Council Chamber while City Council is in session with a concealed or openly-carried handgun.

I. CALL TO ORDER

II. PLEDGE OF ALLEGIANCE

III. ROLL CALL

IV. RESOLUTIONS

1. **2016-R-143** Canvassing the returns of the General and Special Election of the City of Laredo held on Tuesday, November 8, 2016 for: the Election of City Officials; a Special Election for the submission of proposed Laredo City Charter Amendments; approving the results and providing that the charter be amended as to those sections on which amendments have been favorably voted; ordering a special runoff election; authorizing the City Manager to enter into

contract with the Webb County Elections Administrator; designating a runoff date; and providing for publication.

V. EXECUTIVE SESSION

The City Council hereby reserves the right to go into executive session at any time during this public meeting, if such is requested by the City Attorney or other legal counsel for the City, pursuant to his or her duty under Section 551.071(2) of the Government Code, to consult privately with his or her client on an item on the agenda, or on a matter arising out of such item.

VI. ADJOURNMENT

This notice was posted at the Municipal Government Offices, 1110 Houston Street, Laredo, Texas, at a place convenient and readily accessible to the public at all times. Said notice was posted on Thursday, November 10, 2016 at 5:45 p.m.

Heberto "Beto" L. Ramirez
Acting City Secretary

City Council-Special

Meeting Date: 11/16/2016

Initiated By: Jesus Olivares, City Manager

Staff Source: Heberto "beto" L. Ramirez, Acting City Secretary

SUBJECT

2016-R-143 Canvassing the returns of the General and Special Election of the City of Laredo held on Tuesday, November 8, 2016 for: the Election of City Officials; a Special Election for the submission of proposed Laredo City Charter Amendments; approving the results and providing that the charter be amended as to those sections on which amendments have been favorably voted; ordering a special runoff election; authorizing the City Manager to enter into contract with the Webb County Elections Administrator; designating a runoff date; and providing for publication.

PREVIOUS COUNCIL ACTION

On August 15, 2016, Ordinance 2016-O-105 was passed by City Council, proclaiming the Special City Election concurrent with the General Election to be held on November 8, 2016.

BACKGROUND

On August 15, 2016 the City Council adopted Ordinance No. 2016-O-105 ordering a General City Election on Tuesday, November 8, 2016 for: The Election of City Officials; a Special Elections for the submission of proseed Laredo City Charter amendments; Designating polling places; designating a runoff date; providing for publication; and authorizing the City Manager to enter into contract with the Webb County Elections Administrator for the purpose of conducting a Joint Election with the City of Laredo and other matters relating thereto.

COMMITTEE RECOMMENDATION

N/A

STAFF RECOMMENDATION

That the Resolution be passed so that the Special Election may be canvassed and the runoff election proclaimed.

Attachments

2016-R-143

RESOLUTION 2016-R-143

CANVASSING THE RETURNS OF THE GENERAL AND SPECIAL ELECTION OF THE CITY OF LAREDO HELD ON TUESDAY, NOVEMBER 8, 2016 FOR: THE ELECTION OF CITY OFFICIALS; A SPECIAL ELECTION FOR THE SUBMISSION OF PROPOSED LAREDO CITY CHARTER AMENDMENTS; APPROVING THE RESULTS AND PROVIDING THAT THE CHARTER BE AMENDED AS TO THOSE SECTIONS ON WHICH AMENDMENTS HAVE BEEN FAVORABLY VOTED; ORDERING A SPECIAL RUNOFF ELECTION; AUTHORIZING THE CITY MANAGER TO ENTER INTO CONTRACT WITH THE WEBB COUNTY ELECTIONS ADMINISTRATOR; DESIGNATING A RUNOFF DATE; AND PROVIDING FOR PUBLICATION.

WHEREAS, by Ordinance 2016-O-105, Ordering a General City Election concurrent with the General Election on Tuesday, November 8, 2016 for: the Election of City Officials and a Special Election for the submission of proposed Laredo City Charter Amendments; designating polling places; designating a runoff date; providing for publication; and, authorizing the City Manager to enter into contract with the Webb County Elections Administrator for the purpose of conducting a Joint Election with the City of Laredo and other matters relating thereto;

WHEREAS, by Ordinance 2016-O-105 approved on August 15, 2016, the Council ordered a General Election to be held on November 8, 2016 to elect the following City Officials:

COUNCIL MEMBERS FOR DISTRICTS IV, V, VII, AND VIII

WHEREAS, by Ordinance 2016-O-105 approved on August 15, 2016, the Council ordered a Special Election to be held on November 8, 2016 to submit to the voters of the City of Laredo, 24 proposed amendments to the City Charter; and

WHEREAS, said City Council has investigated all matters pertaining to said election, including ordering, giving notice, and the election of officers holding and making return of said election; and

WHEREAS, the City Council hereby officially found and determined that said meeting was open to the public, and public notice of the time, place, and purpose of said meeting was given, all in accordance with the Election Code and the ordinance calling said election.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF LAREDO THAT:

Section 1: The City Council finds and determines that said elections were duly called and ordered; that proper notice was duly given; that proper election officers were duly appointed prior to said election; that said elections were duly held; that due returns of the results of said elections were made and delivered to the City of Laredo in accordance with the Election Code;

the order calling said General Election, and Special Elections was issued by the Laredo City Council; and, that the City Council has duly canvassed said returns, all in accordance with the law and Ordinance calling said elections.

Section 2: The City Council officially finds and determines that the following votes were cast at said elections, as per attached tabulation returns included in this resolution, for the following candidates and on the submitted PROPOSITIONS by resident, qualified electors of the City of Laredo, who voted at said elections with the following results:

	EARLY VOTES	ELECTIONS DAY VOTES	TOTAL	MAJORITY (%)
<u>DISTRICT IV</u>				
Allen Tijerina	1,397	894	2,291	45.21%
Armando Cisneros	212	106	318	6.28%
Alberto Torres, Jr.	1,117	569	1,686	33.27%
Eduardo "Lalo" Villa, Jr.	139	108	247	4.87%
Jose M. "Chema" Guevara	300	225	525	10.36%
<u>DISTRICT V</u>				
Norma "Nelly" Vielma	3,465	1,376	4,841	56.00%
Roque Vela, Jr.	2,753	1,051	3,804	44.00%
<u>DISTRICT VII</u>				
Juan Chavez	1,561	970	2,531	40.98%
George J. Altgelt	2,439	1,206	3,645	59.02%
<u>DISTRICT VIII</u>				
Roberto Balli	1,928	1,432	3,360	80.04%
James Joel Newland	479	359	838	19.96%

CITY OF LAREDO PROPOSED CHARTER AMENDMENTS

PROPOSITION NO. 1

<u>21,516</u>	Votes: YES	The current Charter, Art. II, §2.01 entitled Composition, Qualifications and Terms; (A) Composition provides in part: "There is hereby created as the governing body of the City, a City Council composed of a Mayor and eight Council Members. The City shall be divided into eight districts which shall be drawn by ordinance. A Council Member shall be elected from each of these eight districts."
<u>26,618</u>	Votes: NO	

Shall Art. II, §2.01 (A) of the Charter be amended to provide:

There is hereby created as the governing body of the City, a City Council composed of a Mayor and eight Council Members. The City shall be divided into ~~eight~~ four single-member and four at-large (city-wide) districts all of which shall be drawn by ordinance. A “single-member district” City Council Member shall be elected from each of these ~~eight~~ four districts. The Mayor and four At-Large City Council Members shall be elected citywide?

PROPOSITION NO. 2

<u>24,973</u>	Votes: YES	The current Charter, Art. II, §2.15, entitled “Powers and Duties of the Mayor” provides that (1) Shall preside at Council meetings; (2) Shall be recognized as the head of the City Government and as the official representative of the City but shall have no administrative duties; (3) Shall only vote in case of a tie of Council Members; (4) Shall have the veto power and his/her veto may be overridden by a vote of five (5) Council Members.
<u>24,282</u>	Votes: NO	

Shall Art. II, §2.15 of the Charter be amended to provide:

The Mayor the right to initiate motions at City Council Meetings?

PROPOSITION NO. 3

<u>26,382</u>	Votes: YES	Shall Art. II, §2.15 of the Charter be further amended to provide: <u>The Mayor to add items to the Council agenda?</u>
<u>22,812</u>	Votes: NO	

PROPOSITION NO. 4

<u>28,098</u>	Votes: YES	Shall Art. II, §2.15 of the Charter be further amended to provide: <u>The Mayor to consult with the City Manager regarding proposed agenda items to be included in the agenda of a regular and or special Council meeting?</u>
<u>21,184</u>	Votes: NO	

PROPOSITION NO. 5

<u>23,141</u>	Votes: YES	Shall Art. II, §2.15 of the Charter be further amended to provide: Shall have the veto power and his/her veto may be overridden by a vote of five <u>six (56)</u> Council Members?
<u>23,471</u>	Votes: NO	

PROPOSITION NO. 6

<u>27,262</u>	Votes: YES	The current Charter, Art. I, §1.02, entitled “Form of Government,” provides: The Municipal government provided by this Charter shall be known as the “council-manager government.” Pursuant to its provisions and subject only to the limitations imposed by the state constitution and by this Charter, all powers of the city shall be vested in an elective council, hereinafter referred to as “the City Council,” which shall enact local legislation, adopt budgets, determine policies and appoint the city manager who shall execute the laws and administer the government of the city. All power of the city shall be
<u>18,944</u>	Votes: NO	

exercised in the manner prescribed by this Charter, or if the manner be not prescribed, then in such manner as may be prescribed by ordinance.

Shall Art. I, §1.02 of the Charter be amended to provide:

The municipal government provided by this Charter shall be known as the ~~“council-Council-manager~~ Manager government-Government.” Pursuant to its provisions and subject only to the limitations imposed by the ~~state~~ State constitution Constitution and laws and ~~by~~ this Charter, all powers of the ~~city~~ City shall be vested in an elective council, hereinafter referred to as “the Council” or “the City Council,” which shall enact local legislation, adopt budgets, determine policies, and appoint the ~~city-City manager~~Manager, who shall execute the laws and administer the government of the ~~city~~City. All powers of the ~~city~~ City shall be exercised in the manner prescribed by the State Constitution and laws, this Charter, or if the manner be not prescribed, then in such manner as may be prescribed by or the Council’s adopted ordinances?

PROPOSITION NO. 7

29,266 Votes: YES
17,235 Votes: NO

The current Charter, Art. I, §1.03, entitled “Powers of the City,” provides: The City is and shall continue to be a Home Rule City, with full power of local self-government, including the right to amend this Charter as provided by the constitution and laws of this State. It shall have all the powers possible for a Home- Rule City under the constitution and laws of the State of Texas, as fully and completely as though they were specifically enumerated in this Charter.

Shall Art. I, §1.03 of the Charter be amended to provide:

The City is and shall continue to be a Home Rule City, with full power of local self-government, including the right to amend this Charter as provided by the ~~State constitution~~ Constitution and laws of this State, which shall prevail if there is a conflict. It shall have all the powers possible for a Home-Rule City under the ~~constitution~~ State Constitution and laws of the State of Texas, as fully and completely as though they were specifically enumerated in this Charter?

PROPOSITION NO. 8

32,011 Votes: YES
13,250 Votes: NO

The current Charter, Art. II, “City Council”, §2.04(B) “Forfeiture of Office” provides that the Mayor or a Council Member shall forfeit office if he or she: (1) lacks at any time during the term of office any qualification for holding the office prescribed by this Charter or by law; (2) fails to meet the residency requirements for election to office; (3) is convicted of a crime involving moral turpitude or felony; (4) fails to attend three consecutive regular Council meetings without being excused by the Council; or (5) violates the prohibited personal

financial interest set forth in Section 12.01 or any other provisions of this Charter that prescribe forfeiture.

Shall Art. II, §2.04(B) of the Charter be amended to include:

(6) Fails to attend six consecutive or non-consecutive regular Council meetings in any twelve-month period with or without being excused by the Council?

PROPOSITION NO. 9

28,783 Votes: YES
17,054 Votes: NO

The current Charter, Art. II, §2.07, entitled "Procedure," (C) Voting, provides: Voting, except on procedural matters, shall be by roll call and the ayes and the nays shall be recorded in the minutes. The Mayor and any four (4) Council Members or any five (5) Council Members shall constitute a quorum, but a smaller number may adjourn from time to time and may compel the attendance of absent members in the manner and subject to the penalties prescribed by the rules of the Council. No action of the Council shall be valid or binding unless adopted by the affirmative vote of four or more Council Members. However, the affirmative vote of five (5) Council Members is required for levying of taxes, entering into contracts by the city, appropriating money from the City funds, granting any franchise or privilege for the use of the City streets or other public areas, conveying City lands, or passage of any emergency ordinance. For the purpose of the previous sentence, whenever there shall be an affirmative vote of four members of the Council, this shall be deemed a tie and thus the Mayor votes in accordance with Section 2.15(3).

Shall Art. II, §2.07 of the Charter, Procedure, (C)~~Voting~~Quorum be amended to provide:

~~Voting, except on procedural matters, shall be by roll call and the ayes and the nays shall be recorded in the minutes. A quorum must be established before the Council can conduct any business, and no vote can be taken in the absence of a quorum. The Mayor and any four (4) Council Members or any five (5) Five Council Members or four Council Members and the Mayor shall constitute a quorum, but a smaller number may adjourn or recess from time to time and may compel the attendance of absent members in the manner and subject to the penalties prescribed by the rules or procedures of adopted by the Council. No action of the Council shall be valid or binding unless adopted by the affirmative vote of four or more Council Members. However, the affirmative vote of five (5) Council Members is required for levying of taxes, entering into contracts by the city, appropriating money from the City funds, granting any franchise or privilege for the use of the City streets or other public areas, conveying City lands, or passage of any emergency ordinance. For the purpose of the previous sentence, whenever there shall be an~~

~~affirmative vote of four members of the Council, this shall be deemed a tie and thus the Mayor votes in accordance with Section 2.15(3)?~~

PROPOSITION NO. 10

29,182 Votes: YES
16,583 amended

**Shall Art. II, §2.07 of the Charter, Procedure, be further
Votes: NO to provide (D) Voting:**

~~Voting, except on procedural matters, shall be by roll call or unanimous consent, and the ayes and the nays shall be recorded in the minutes. When the presiding officer determines that there is no objection, the minutes shall reflect all Council members present as voting aye without necessity of a roll call. When procedural matters are voted on by voice vote, show of hands, or other method, the minutes shall record "aye" votes for all members present, unless a member registers otherwise with the City Secretary. The Mayor and any four (4) Council Members or any five (5) Council Member shall constitute a quorum, but a smaller number may adjourn from time to time and may compel the attendance of absent members in the manner and subject to the penalties prescribed by the rules of the Council. No action of the Council shall be valid or binding unless adopted by the affirmative vote of at least four five or more Council Members or of four Council Members and the Mayor. However, the affirmative vote of five (5) Council Members is required for levying of taxes, entering into contracts by the city, appropriating money from the City funds, granting any franchise or privilege for the use of the City streets or other public areas, conveying City lands, or passage of any emergency ordinance. For the purpose of the previous sentence, whenever there shall be an affirmative vote of four members of the Council, this shall be deemed a tie and thus the Mayor votes in accordance with Section 2.15(3)?~~

PROPOSITION NO. 11

29,925 Votes: YES
15,917 Votes: NO

The current Charter, Art. IX, §9.05, entitled "Board of Adjustment," provides: By ordinance, the Council shall establish a board of adjustment and shall provide standards and procedures for such board to hear and determine those matters specified in accordance with Texas Local Government Code, Section 211.008 et. seq. There shall be nine members who shall be appointed for terms of two years. The Mayor and each member of the City Council shall nominate one member of the Board who will be appointed by a majority of the City Council for service during the term of the officeholder who made the nomination, and further, that upon vacancy, subsequent nomination shall be by the Mayor or Council Member from the respective district corresponding to the original appointment.

Shall Art. IX, §9.05 of the Charter be amended to provide:

~~By ordinance, the~~ The Council shall appoint ~~establish~~ a board ~~Board~~ of adjustment ~~Adjustment~~ and shall provide standards and procedures for such board to hear and determine those matters specified in accordance with ~~Texas Local Government Code, Section 211.008 et. Seq.~~ state law?

23,260 Votes: YES
20,951 Votes: NO

PROPOSITION NO. 12

Shall Art. IX, §9.05 of the Charter be further amended to delete the following:

~~There shall be nine members who shall be appointed for terms of two years?~~

PROPOSITION NO. 13

28,458 Votes: YES
16,932 Votes: NO

Shall Art. IX, §9.05 entitled “Board of Adjustment” of the Charter

be further amended to provide:

The Mayor and each member of the City Council shall nominate one member of the Board, subject who will be appointed to confirmation by the affirmative vote of at least five Council Members or four Council Members and the Mayor.

~~The term of office will be the same as by a majority of the City Council for service during the term of the officeholder who made the nomination. Vacancies shall be filled by the same nomination and confirmation process, and further, that upon vacancy, subsequent nomination shall be by the Mayor or Council Member from the respective district corresponding to the original appointment?~~

PROPOSITION NO. 14

34,085 Votes: YES
11,874 Votes: NO

The current Charter, Art. XII, §12.05, entitled “Oath of Office,” provides: Every person elected or appointed to any office in the City shall, before entering upon the duties of the office, take and subscribe to the oath of office in prescribed by Article XVI, Section I of the State Constitution.

Shall Art. XII, §12.05 of the Charter be amended to provide:

Every person elected or appointed to any office in the City shall, before ~~entering upon~~ assuming the duties of office, take and subscribe to the oath of office ~~in~~ and the denial of bribery statement prescribed by ~~Article XVI, Section I of the State Constitution and law~~

PROPOSITION NO. 15

30,185 Votes: YES
15,389 Votes: NO

The current Charter, Art. XII, §12.09, entitled “Charter Commission; Charter Amendment,” provides: The City Council shall each appoint a representative to a City Charter Commission to make

recommendations to the City Council for amendment or amendments to said charter. The Commission shall consist of nine (9) members. The Mayor and each member of the City Council shall nominate one member of the Commission. Each nominee must be appointed by a majority of a quorum of the City Council, but in no event by less than the affirmative vote of four Council Members. The term of the commission member shall be until revisions to the City Charter are presented to City Council. The foregoing sentence is cumulative of the provision of the Texas Election Code, which provides that (1) the city council, on its own motion, may submit a proposed charter amendment to the city’s qualified voters for their approval at an election; and (2) the city council shall submit a proposed charter amendment to the voters for their approval at an election if the submission is supported by a petition signed by a number of qualified voters of the city equal to at least 5% of the number of qualified voters of the city, or 20,000, whichever is smaller.

Shall Art. XII, §12.09 of the Charter be amended to provide: “Charter Commission” to be renamed “Charter Revision Commission”?

PROPOSITION NO. 16

31,311 Votes: YES
14,209 Votes: NO

Shall Art. XII, §12.09 of the Charter be further amended to provide:

~~The~~ At least every ten years, but not more often than every two years, ~~the~~ City Council shall ~~each~~ appoint a ~~representative to~~ City Charter Revision Commission to make recommendations to the City Council for amendment or amendments to said charter?

PROPOSITION NO. 17

29,436 Votes: YES
15,764 Votes: NO

Shall Art. XII, §12.09 of the Charter be further amended to provide:

~~Each nominee must be appointed~~The Mayor and each Council Member shall nominate one member of the Commission, subject to by a majority of a quorum of the City Council, but in no event by less than confirmation by the affirmative vote of at least five Council Members or four Council Members and the Mayor?

PROPOSITION NO. 18

22,354 Votes: YES
20,338 Votes: NO

Shall Art. XII, §12.09 of the Charter be further amended to delete the following language:

~~The term of the commission member shall be until revisions to the City Charter are presented to City Council. The foregoing sentence is cumulative of the provision of the Texas Election Code, which provides that (1) the city council, on its own motion, may submit a proposed charter~~

~~amendment to the city's qualified voters for their approval at an election; and (2) the city council shall submit a proposed charter amendment to the voters for their approval at an election if the submission is supported by petition signed by a member of qualified voters of the city equal to a least 5% of the number of qualified voters of the city, or 20,000, whichever number is smaller?~~

PROPOSITION NO. 19

24,610 Votes: YES
20,527 Votes: NO

Shall Art. I of the Charter, entitled "Incorporation, Form of Government and Powers of the City" be amended to add the following section (§1.07), entitled "Notice of Claim" as required by law:

The City of Laredo shall not be held responsible on account of any claim for damages to any person or property unless the person making such complaint or claiming such damage shall, within 180 days after the time at which it is claimed such damages were inflicted upon such person or property, file with the City Secretary, a true statement under oath, as to the nature and character of such damages or injuries, the extent of the same, and the place where same happened, the circumstances under which happened, the conditions causing same, with a detailed statement of each item of damages and the amount thereof, and if it be for personal injuries, giving a list of the witnesses, if any known to affiants, who witnessed such accident?

PROPOSITION NO. 20

31,425 Votes: YES
13,763 Votes: NO

The current Charter, Art. II "City Council", §2.07 "Procedure; (B) Rules and Minutes," provides that: The City Council shall determine its own rules and orders of business, and shall provide for keeping minutes of its proceedings. These minutes shall be a public record.

Shall Art. II, §2.07 (B) of the Charter be amended to provide:
All City Council executive session meetings, subject to Texas Law, shall be recorded with audio recording?

PROPOSITION NO. 21

31,315 Votes: YES
14,076 Votes: NO

The current Charter, Art. II, "City Council", §2.15 "Powers and Duties of the Mayor," provides that: (1) Shall preside at Council meetings; (2) Shall be recognized as the head of the City Government and as the official representative of the City but shall have no administrative duties; (3) Shall only vote in case of a tie of Council Members; (4) Shall have the veto power and his/her veto may be overridden by a vote of five (5) Council Members.

Shall Art. II, §2.15 of the Charter be amended to provide:

(5) State of the City Address: The Mayor shall make the official state of the city address by January 31 of each year of the Mayor’s term of office at a public place open and free to all of the people of Laredo. The private sponsorship of the official state of the city address is prohibited?

PROPOSITION NO. 22

30,307 Votes: YES
15,940 Votes: NO

The current Charter, Art. XI, “Initiative, Referendum, and Recall”, §11.01 “Recall Provisions,” provides in part that: “Any elected official may be removed from office by recall. A petition stating the specific grounds on which removal is sought shall be signed by the registered voters equal in number to ten (10%) percent of the votes cast in the City or District election to which the elected official was elected to office and shall be filed with the City Secretary by any registered voter who is eligible to vote in the proposed recall election...”

Shall Art. XI, §11.01 of the Charter be amended to provide:

A petition stating the specific grounds on which removal is sought shall be signed by the registered voters equal in number to ten (10%) percent of the ~~votes cast~~ registered voters in the City or District election to which the elected official was elected to office and shall be filed with the City Secretary by any registered voter who is eligible to vote in the proposed recall election?

PROPOSITION NO. 23

29,349 Votes: YES
16,201 Votes: NO

The current Charter, Art. XI, “Initiative, Referendum, and Recall”, §11.02 “Signatures to Petition,” provides in part that: “The signatures to recall petitions need not be all appended to one petition and may be duplicated and assembled, but to each separate paper there shall be attached an affidavit of the person circulating the petition and such paper shall be invalid without such affidavit...”

Shall Art. XI, §11.02 of the Charter be amended to provide:

The signatures to ~~recall~~ any petitions need not be all appended to one petition and may be duplicated and assembled, but to each separate paper there shall be attached an affidavit of the person circulating the petition and such paper shall be invalid without such affidavit?

PROPOSITION NO. 24

31,706 Votes: YES
13,971 Votes: NO

The current Charter, Art. XI, “Initiative, Referendum, and Recall”, §11.11 “Form of Petition,” provides in part that: “...The petition papers of an initiative or referendum shall be uniform in size and style...”

Shall Art. XI, §11.11 of the Charter be further amended to provide:

The petition papers of an initiative, ~~or~~ referendum, or recall shall be uniform in size and style?

Section 3: The above returns of said general election and special election be and are hereby approved and declared to be in due form as required by law, and that the candidates shown above receiving a majority of the votes for their respective office, and that said successful candidates are entitled to fill the respective office by qualifying therefore as required by law and that those respective offices where no candidate receives a majority vote then the two candidates receiving the highest and second highest number of votes shall be the successful candidates to participate in a runoff election.

Section 4: That the City Council officially finds, determines and declares the result of said election to be that the PROPOSITIONS Nos. 1 and 5, so submitted have received an unfavorable majority vote and PROPOSITIONS Nos. 2 – 4 and 6 -24 have received a favorable majority vote and have carried and that the City Charter is hereby amended and effective from this date.

Section 5: There shall be a runoff election between the two candidates who received the highest and second highest number of votes in said general election, namely Allen Tijerina and Alberto Torres, Jr. for the position of City Council District IV.

Section 6: A runoff election is hereby ordered to be held and conducted within and for the City of Laredo on Saturday, December 17, 2016 for City Council District IV (not earlier than the 20th day nor later than the 45th day after the date the final canvass of the main election was completed).

Section 7: The candidates for said runoff election are Allen Tijerina and Alberto Torres, Jr. for the position of City Council District IV and the order in which their names will appear on the ballot shall be determined by a drawing to be made by the City Secretary in compliance with the Election Code. The date of the drawing shall be held on Wednesday, November 16, 2016 at 5:30 p.m. at City Hall, 3rd Floor Conference Room No. 1 located at 1110 Houston St., Laredo, Texas.

Section 8: The polls at each designated polling place on said runoff election, as set forth in “Exhibit A” which is attached hereto and made part of this resolution for all purposes, on said day shall be open from 7:00 o’clock a.m. to 7:00 o’clock p.m.

Section 9: That the Presiding Judges shall appoint not less than two qualified election clerks to serve and assist in conducting said election; provided that if the Presiding Judge actually serves as expected, the Alternate Presiding Judge shall be one of such clerks.

Section 10: That the period for early voting by personal appearance shall begin on November 30, 2016 and shall continue through the fourth day preceding the date of the election, December 13, 2016. The main polling place for early voting shall be the Webb County Justice

Center, located at 1100 Washington St., Laredo Texas and such other early voting and mobile voting places and dates as set forth in “Exhibit F” attached hereto. The main early voting site and the temporary branch early voting sites shall remain open from 8:00 o’clock A.M. to 5:00 o’clock P.M. on each day designated for early voting, except for Saturday, December 10, 2016 which shall be open from 8:00 A.M. to 8:00 P.M., Sunday, December 11, 2016 from 10:00 A.M. to 3:00 P.M., and Monday and Tuesday, December 12 and 13, 2016 from 8:00 A.M. to 8:00 P.M. The designated polling places shall not be open on Saturday’s, Sundays or official holidays, except as otherwise provided for in schedule of “Exhibit F”.

Section 11: That the Early Voting Clerk for said election shall be appointed by the Webb County Elections Administrator.

Section 12: Application for ballots by mail shall be conducted by the Webb County Elections Administrator. All ballot applications and ballots voted by mail shall be sent to the Webb County Elections Administrator, 1110 Washington, St., Suite 103, P.O. Box 29, Laredo, Texas 78042-029.

Section 13: That notice of said election shall be given by posting a substantial copy of this ordinance at City Hall on the bulletin board used for posting notices of the meetings of the City Council, and a substantial copy of this ordinance also shall be published in a newspaper of general circulation published in said City in accordance with the Texas Election Code.

Section 13: That said election shall be conducted at each designated voting place and the ballot to be used at such election be printed in the form required by the Texas Election Code and manufacturer’s specifications with names of candidates and propositions printed thereon in full and prepared in such manner as specified by the Texas Elections Code. That this election is to be conducted utilizing Election Systems and Software’s (“ES&S”) iVotronic Direct Record Electronic (“DRE”) voting system to be used at each and every early voting and election day polling site in conjunction with the existing electronic (“Optical Scan”) voting system which utilizes three (3) M650 Central Scanners to tabulate and count said ballots and one (1) Election Reporting Manager (“E.R.M”) to accumulate results from both electronic systems currently owned and operated by the County of Webb in the conduct of elections, for its Joint Special Elections to be held Saturday, December 17, 2016.

Section 14: That immediately after the votes at such Special Runoff Election have been conducted and proper returns thereof made to the City Council, said City Council shall meet on Wednesday, December 28, 2016 at 12:15 P.M. at the City Council Chambers, 1st floor, 1110 Houston St., to canvass the election and cause to be entered in the proper records of the City of Laredo, Texas, its official declaration of, or order showing the actual and true results of said general and special election regarding city charter amendment propositions election.

Section 17: That the City Council hereby authorizes the City Manager to enter into a contract agreement with the Webb County Elections Administrator to conduct said General and Special Election and accept the terms and conditions as set forth in the contract attached hereto and identified as “Exhibit A”.

**PASSED BY THE CITY COUNCIL AND APPROVED BY THE MAYOR ON THIS THE
____ DAY OF NOVEMBER 2016.**

**PETE SAENZ
MAYOR**

ATTEST

**HEBERTO L. RAMIREZ
ACTING CITY SECRETARY**

APPROVED AS TO FORM:

**RAUL CASSO
CITY ATTORNEY**