



**AGENDA MEMORANDUM**  
for the City Council Meeting of May 17, 2016

**DATE:** May 12, 2016  
**TO:** Mayor and Council  
**FROM:** Rebecca Huerta, City Secretary  
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826-3105

**Discussion and possible action regarding a resolution to waive the charter requirement granting 45 days for Council consideration of an initiative ordinance**

**CAPTION:**

Discussion and possible action regarding a resolution to waive the time allotted under City Charter Article I, Section 4 for Council consideration of adoption of an initiative ordinance and authorizing the City Secretary to furnish the proponents petition pages upon passage of this resolution.

**PURPOSE:**

Article I, Section 4 of the City Charter outlines the process for initiative proceedings. The charter states that the city secretary shall present the initiative to the City Council. The Council has 45 days from the date of presentment to consider adoption of the ordinance in substantial form. If the Council fails to take the proposed action within the established timeframe, then the city secretary provides petition pages to the proponents. The Council can waive the 45-day consideration period, however, by approving the proposed resolution and authorizing the city secretary to provide the petition pages upon passage.

**BACKGROUND AND FINDINGS:**

On April 15, 2016, the City Secretary was presented with a statement of intent to circulate an initiative petition regarding an ordinance to establish transportation network companies.

Per the Charter, the City Attorney drafted an ordinance in legal form containing the substance of the ordinance, and the City Secretary presented the initiative for the Council's consideration at the May 10, 2016 Council meeting. The City Council considered the proposed ordinance, and rejected it with a 5-4 vote. The charter states that the Council has 45 days from the date of presentment (until June 24, 2016) to consider the adoption of the ordinance in substantial form. Thus, even if the Council

rejects the ordinance, the 45-day consideration period allows the Council the ability to reconsider the ordinance or bring forward an alternate ordinance. If the Council fails to take action within the allotted time, then the City Secretary provides the proponents with petition pages for circulation among the City's registered voters.

A discussion ensued at the May 10 meeting asking if the Council could waive the charter provision requiring the 45-day consideration period to allow for distribution of the petition pages as soon as possible. After reviewing the case law, the City Attorney has determined that the City Council may waive a Charter provision when it is determined to be a provision solely for their convenience. Thus, staff is presenting the proposed resolution with findings to formally waive the requirement.

**OTHER CONSIDERATIONS:**

Per the charter, the proponents have 90 days to gather signatures of at least five percent of the registered voters to place a proposition on the ballot at the next regular city council elections. Within 20 days, the City Secretary will determine if enough signatures were obtained. If the petition does not contain the required number of signatures, then the petitioner has an additional 10 days to supplement signatures, with such supplemental signatures to be verified within 10 days by the City Secretary. If a valid petition is submitted, the Council would include a proposition to adopt or reject the proposed ordinance on the ballot at the next regular city council elections, which are scheduled for November 8, 2016.

Please note that while the Charter allows the petitioners 90 days to gather the signatures, the statutory deadline to call for the November 8, 2016 election is August 22. The petition must be submitted and validated with sufficient time for the Council to hold a properly posted meeting to include the proposition on the ballot.

**DEPARTMENTAL CLEARANCES:**

Legal

**FINANCIAL IMPACT:**

Operating       Revenue       Capital       Not applicable

<b>Fiscal Year: 2015-2016</b>	<b>Project to Date Expenditures (CIP only)</b>	<b>Current Year</b>	<b>Future Years</b>	<b>TOTALS</b>
Line Item Budget				
Encumbered / Expended Amount				
This item				
BALANCE				

**LIST OF SUPPORTING DOCUMENTS:**

Resolution