



AGENDA MEMORANDUM

Action Item for the City Council Meeting of April 23, 2013

DATE: April 16, 2013

TO: Ronald L. Olson, City Manager

FROM: Armando Chapa, City Secretary
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(361) 826-3105

Request by Petitioners to repeal Ordinance No. 029791 regarding the frequency of testing for residential irrigation backflow devices

CAPTION:

Ordinance considering a request by petitioners, pursuant to Article I, Section 4, of the City Charter to repeal Ordinance No. 029791 which amended Chapter 14, Code of Ordinances, regarding the frequency of testing required for residential irrigation backflow devices; repealing adopted ordinance; providing for publication; and declaring an emergency.

BACKGROUND AND FINDINGS:

Through the process of Initiative and Referendum in the City Charter, citizens have the right to ask Council to consider new ordinances or to reconsider ordinances (or portions thereof) already approved. The process for reconsideration of ordinances requires five registered voters to make their request within 10 days of passage of an ordinance by filing a statement with the City Secretary that they intend to circulate petitions if the Council does not take their requested action.

The City Council has until the adjournment of the next regular City Council meeting following receipt of the statement to reconsider such ordinance.

In the event the Council fails to take the proposed action within the time allotted, the City Secretary shall furnish to the proponents petition pages for circulation among the registered voters of the City. A valid petition containing signatures equal to at least 5% of the registered voters of the City must be filed with the City Secretary within 90 days. If a valid petition is filed within 60 days, the effectiveness of the ordinance is suspended and an election is called at the next available uniform election date under State law. If a valid petition is filed after 60 days, but within the 90 days deadline, the ordinance remains in affect and an election is called at the next regular City Council election. The city council can repeal the subject ordinance at any time during this period.

ALTERNATIVES:

The council may vote to approve to repeal Ordinance No. 029791, or not to repeal the ordinance. A vote to repeal the ordinance will change the frequency of testing from triennial to annual. A vote not to repeal the ordinance would initiate referendum procedures.

OTHER CONSIDERATIONS:

Not Applicable.

CONFORMITY TO CITY POLICY:

Not Applicable.

EMERGENCY / NON-EMERGENCY:

Staff is requesting an emergency reading. According to Article II, Section 14 of the City Charter, an item can be classified as an emergency because it calls for "immediate action necessary for the efficient and effective administration of the city's affairs".

DEPARTMENTAL CLEARANCES:

Not Applicable.

FINANCIAL IMPACT: Not Applicable

☐ Operating ☐ Revenue ☐ Capital ☐ Not applicable

Fiscal Year: 2012-2013	Project to Date Expenditures (CIP only)	Current Year	Future Years	TOTALS
Line Item Budget				
Encumbered / Expended Amount				
This item				
BALANCE				

Fund(s):

LIST OF SUPPORTING DOCUMENTS:

Petitioner's Request
Ordinance to Repeal