



## **AGENDA MEMORANDUM**

Action Item for the August 11, 2020 City Council Meeting

**DATE:** August 2, 2020

**TO:** Mayor and Council

**FROM:** Rebecca Huerta, City Secretary  
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<b>Proposed citizen-initiated “Petition for Charter Amendment related to the Prohibition of the Use, Acquisition and Sale of Desalinated Water”</b>
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### **CAPTION:**

Resolution determining that the proposed citizen-initiated “Petition for Charter Amendment related to the Prohibition of the Use, Acquisition and Sale of Desalinated Water” failed to comply with Texas Local Government Code § 9.004 because it was not signed by at least 5% of the qualified voters of the City of Corpus Christi, Texas

### **SUMMARY:**

On July 30, 2020, a petition was filed in the City Secretary’s Office regarding a proposed citizen-initiated Charter Amendment related to the prohibition of the use, acquisition, and sale of desalinated water. By resolution, the City Secretary is presenting the petition to the City Council and determining that the petition did not have the required number of signatures outlined in state law to compel the Council to submit the charter amendment to the voters at an election.

### **BACKGROUND AND FINDINGS:**

Per Texas Local Government Code § 9.004, the governing body shall place a proposed charter amendment on the ballot if a petition signed by at least five percent of registered voters in the city, or 20,000, whichever number is smaller, is submitted. On July 30, 2020, a petition for a citizen-initiated charter amendment regarding the prohibition of the use, acquisition and sale of desalinated water was filed in the City Secretary’s Office. There were 152,502 registered voters in the city on July 30, 2020. Five percent of 152,502 is 7,625. Consequently, a minimum of 7,625 valid signatures would be required to compel the Council to place the citizen-initiated charter amendment on the ballot. Upon review, the petition filed on July 30, 2020 contained 4,227 unverified signatures. Even if every signature were valid, the petition would not meet the 7,625 signatures required by state law.

Local Government Code § 9.004 does not provide a deadline for filing the petition. It may be filed at any time. If a petition filed under this section is determined to be valid, then the election would be held on the first authorized uniform election date; or on the earlier of the date of the next municipal general election or presidential general election, whichever is earlier. Because there is no deadline, per Chapter 277 of the Election Code, this citizen-initiated petition may not be supplemented, i.e. the petitioners are not allowed to obtain and submit additional signatures within a defined timeframe to reach the required threshold.

### **ALTERNATIVES:**

Per Local Government Code § 9.004, “the governing body on its own motion may submit a proposed charter amendment to the municipality’s qualified voters for their approval at an election”. The City Council could place the citizen-initiated charter amendment on the November 3, 2020 ballot. The statutory deadline to place an item on the November 3, 2020 ballot is August 17. The August 11 Council meeting is the last regular Council meeting before the statutory deadline. To place the citizen-initiated charter amendment on the November 3, 2020 ballot, the Council would need to call for a special election today or call for a special election at a special council meeting by or on August 17.

City Management does not recommend the Petitioner’s proposed Charter Amendment because the proposed amendment could leave the City with insufficient water for existing customers in the event of a drought. All of the City’s current water is surface water, which is subject to interruption in severe droughts. The proposed amendment prohibits all methods of supplementing surface water, including “groundwater, brackish water and saline water facilities”.

### **FISCAL IMPACT: None**

#### **Funding Detail:**

Fund:

Organization/Activity:

Mission Element:

Project # **(CIP Only)**:

Account:

*Note:*

### **SUPPORTING DOCUMENTS:**

Resolution