

CITY OF SAN ANTONIO
CITY ATTORNEY'S OFFICE
INTERDEPARTMENTAL CORRESPONDENCE

TO: Mayor and City Council

FROM: Andrew Martin, City Attorney

COPIES TO: Terry M. Brechtel, City Manager

SUBJECT: Ordinance Accepting Resignation of Councilman David A. Garcia, Council District 5

DATE: January 23, 2003

SUMMARY

On January 16, 2003, Councilman David A. Garcia submitted his resignation effective immediately, resigning from his position as District 5 Councilman. This Ordinance formally accepts Councilman Garcia's resignation.

Section 15 of the City Charter provides that an ordinance shall take effect on the date indicated by the ordinance, but not less than ten days from the date of final passage unless an emergency is declared. An emergency measure is an ordinance to provide for the preservation of the public peace, property, health or safety. The affirmative vote of at least eight (8) members of the Council is required to pass any ordinance as an emergency measure. The Council may make an emergency measure effective immediately upon enactment upon approval by eight (8) affirmative votes.

The City Council has previously determined that the resignation of a council member from office constitutes an emergency. On March 9, 2000, the City Council approved Ordinance 91373, formally accepting District 5 Councilman Rick Vasquez's resignation. The Ordinance also declared an emergency for the preservation of the public peace, property, health or safety allowing the ordinance to become effective immediately upon the affirmative vote of eight (8) members of the Council. The Ordinance cited the importance of beginning the process to fill the vacancy so that the citizens of that district would be represented on the City Council.

FINANCIAL IMPACT

None.

POLICY ANALYSIS

It has been the established policy of the City Council to fill an unexpired term on the City Council as soon as possible, so the citizens of that district might have new representation on the governing body of the City of San Antonio as rapidly as practical.

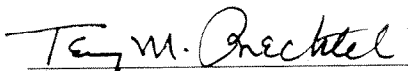
RECOMMENDATION

I recommend that this Ordinance be approved:



Andrew Martin
City Attorney

Approved:



Terry M. Brechtel
City Manager