

**CITY OF SAN ANTONIO
CITY ATTORNEY'S OFFICE
CITY COUNCIL AGENDA MEMORANDUM**

TO: Mayor and City Council

FROM: Andrew Martin, City Attorney

SUBJECT: Amendment to Ballot Language

DATE: February 25, 2005

SUMMARY AND RECOMMENDATIONS

This Ordinance amends the ballot language for the Edwards Aquifer Protection Venue Project proposition to be considered by the voters at the May 7, 2005 special election. Previously approved Ordinances Nos. 99608 and 100327 on the same subject will also be amended by this action.

Staff recommends approval.

BACKGROUND INFORMATION

The City Council, in Ordinance No. 99608, ordered a special election for May 7, 2005 on the question of imposing a one-eighth of one percent ($\frac{1}{8}$ of 1%) sales and use tax to finance the Edwards Aquifer Protection Venue Project. This project provides for watershed protection and a preservation program, as authorized by Chapter 334 of the Texas Local Government Code.

In Ordinance No. 100327, City Council added a second sales tax proposition to the May 7th ballot on the question of implementing the Parks Development and Expansion Venue Project. This project would also be financed through the imposition of the same one-eighth of one percent ($\frac{1}{8}$ of 1%) sales and use tax.

At the February 24 meeting, City Council directed staff to place an agenda item on the March 3 City Council agenda to revise the ballot language for the proposed Edwards Aquifer Protection Venue Project proposition. This is not a substantive revision. The revised language authorizes implementation of the identical water quality protection venue project previously authorized by Ordinance Nos. 99608 and 100327. The ballot language is changed to more specifically identify and describe the goal for the venue project—protection of water quality in the Edwards Aquifer—and the method for achieving that goal: acquiring and preserving land or interests in land in the Edwards Aquifer recharge and contributing zones, both inside and outside Bexar County. The Proposition, if adopted by the voters, will be financed with the same one-eighth of

one percent ($\frac{1}{8}$ of 1%) sales and use tax, which will be shared with the Parks Development and Expansion Venue Project.

POLICY ANALYSIS

This ordinance is consistent with City policy and previous actions to finalize ballot language and all other requirements for an election within the timeline provided by the Election Code. Under the Texas Election Code, the election must be called.

FISCAL IMPACT

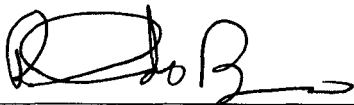
Approval of this ordinance will have no additional fiscal impact on the election. The time projected for collection of the sales and use tax sufficient to fund these Propositions, which is 6+ years, will not be impacted by approval of this ordinance.

COORDINATION

This item has been coordinated with the City Manager's Office and the City Council Offices.



Andrew Martin,
City Attorney



J. Rolando Bono,
Interim City Manager

AN ORDINANCE

AMENDING THE BALLOT LANGUAGE FOR THE
EDWARDS AQUIFER PROTECTION VENUE PROJECT TO BE
CONSIDERED BY THE VOTERS AT THE MAY 7, 2005
SPECIAL ELECTION.

* * * * *

WHEREAS, City Council, through Ordinance No. 99608, ordered a Special Election to be held on May 7, 2005 on the question of approving a proposition providing for the Edwards Aquifer Protection Venue Project; and

WHEREAS, City Council now wishes to revise the ballot language to be used for that proposition; **NOW THEREFORE:**

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF SAN ANTONIO:

SECTION 1. OFFICIAL PROPOSITIONS. The Edwards Aquifer Protection Venue Project Proposition shall be revised to read as follows:

THE EDWARDS AQUIFER PROTECTION VENUE PROJECT PROPOSITION

PROPOSITION NO. 1

"Shall the City of San Antonio be authorized to provide for the protection of water quality in the Edwards Aquifer by establishing a watershed protection and preservation project known as the **"Edwards Aquifer Protection Venue Project"** to acquire and preserve land or interests in land in the Edwards Aquifer recharge and contributing zones both inside and outside Bexar County, and to impose a sales and use tax at the rate of one-eighth of one percent (1/8 of 1%), (a portion of which tax shall be shared with and used for the **"Parks Development and Expansion Venue Project"** if such venue project is also approved by the voters), in an amount not to exceed \$90 million (including costs of issuance and interest on bonds or other obligations, if any), for the purpose of financing the **"Edwards Aquifer Protection Venue Project"**?"

SECTION 2. FORM OF BALLOTS. The official ballots for the special election to be held May 7, 2005 shall be prepared in accordance with all applicable law so as to permit the electors to vote "FOR" or "AGAINST" the Proposition, with the ballots to contain such provisions, markings and languages as required by law, and with said Propositions to be expressed substantially as follows:

THE EDWARDS AQUIFER PROTECTION VENUE PROJECT

PROPOSITION NO. 1

FOR } AUTHORIZING THE CITY OF SAN ANTONIO TO PROTECT
WATER QUALITY IN THE EDWARDS AQUIFER BY
ESTABLISHING A WATERSHED PROTECTION AND
PRESERVATION PROJECT KNOWN AS THE "**EDWARDS
AQUIFER PROTECTION VENUE PROJECT**" TO ACQUIRE AND
PRESERVE LAND OR INTERESTS IN LAND IN THE EDWARDS
AQUIFER RECHARGE AND CONTRIBUTING ZONES BOTH
INSIDE AND OUTSIDE BEXAR COUNTY, AND TO IMPOSE A
SALES AND USE TAX AT THE RATE OF ONE-EIGHTH OF ONE
PERCENT (1/8 OF 1%), (A PORTION OF WHICH TAX SHALL BE
SHARED WITH AND USED FOR THE "**PARKS DEVELOPMENT
AND EXPANSION VENUE PROJECT**" IF SUCH VENUE
PROJECT IS ALSO APPROVED BY THE VOTERS), IN AN
AMOUNT NOT TO EXCEED \$90 MILLION (INCLUDING COSTS
OF ISSUANCE AND INTEREST ON BONDS OR OTHER
OBLIGATIONS, IF ANY), FOR THE PURPOSE OF FINANCING
THE "**EDWARDS AQUIFER PROTECTION VENUE PROJECT**".

AGAINST }

SECTION 3. AMENDMENT TO ELECTION ORDINANCES. Ordinance No. 99608, passed and approved August 19, 2004, and Ordinance No. 100327, passed and approved January 21, 2005, are hereby authorized to be revised in accordance herewith. All other provisions of said Ordinances not specifically amended hereby shall remain in full force and effect.

SECTION 4. EFFECTIVE DATE. This ordinance shall take effect on the tenth day from the date of passage hereof.

PASSED AND APPROVED this ____ day of _____, 2005.

M A Y O R

ATTEST: _____
City Clerk

APPROVED AS TO FORM: _____
City Attorney