

DOWNLOADED FROM

April 2, 2015

Ms. Jamie Lee Pettijohn
City of San Marcos, Texas, City Clerk
630 E. Hopkins
San Marcos, TX 77469



Dear Ms. Pettijohn:

Today on behalf of the hundreds of San Marcos residents that make up Communities for Thriving Water Fluoride-Free San Marcos, we present to you the required number of petition signatures to secure an election to amend the City Charter of San Marcos.

According to Chapter 9 of the Texas Local Government Code (Sec. 9.004), home rule municipalities such as San Marcos must allow voters an opportunity to vote on a proposed charter amendment if petitions amounting to five percent of the registered voters are submitted, and none are older than 180 days.

Governing State Code

- Sec. 9.004 of the Texas Local Government Code
- Title 16, Chapter 277 of the Texas Election Code

Petition Description and Qualifications Met

Petition – The petition signature sheets are bound in three volumes, labeled Volume 1 (228 petition signature pages), Volume 2 (182 petition signature pages) and Volume 3 (162 petition signature pages) for a total of 572 pages. There are 2 sheets, front and back, inside plastic sleeves for easy viewing and to care for the signature sheets.

We've presented the petition signatures in a manner to make your verification process simple and reduce your verification time. There is a 39 page Fluoride-Free Petition Verified Index in the front sleeve of Volume 1. The Reference # on Index match that number on the right hand side of the petition pages. If you have any questions please call Kathleen O'Connell 512-550-7788, who has a copy of each petition page and the Index.

Pre-Verified List – The signatures that we classify as "Pre-Verified" are actually triple-verified, once by third-party volunteers, and twice again by our core leadership team during our final count and packaging.

Petition Gathering

- Gathered as required under Sec. 277.002
- Petition Dates: October 8, 2014-April 1, 2015
- Total Signatures: Estimated 2,000+
- **Total Pre-Verified: 1,634**

Computing the Required Number of Signatures

- Computed as required under Sec. 277.0024
- Voter List Date: October 6, 2014
 - Registered Voters: 29,307
 - "S" Voters: 10,039
 - "Number of Voters" used for computation equals Registered Voters minus "S" voters, or 19,268. Elections Code §§ 277.0021 & 277.0024.
 - 5% threshold: **964 signatures required**

Petitioners Good-Faith Requests

We respectfully request the following:

- **Acceptance of the Petition:** The City Clerk sign at the bottom of this letter for the acceptance the petition described above.
- **Notification of Any Voter Withdrawal Requests as of Delivery:** We request that the city provides to us in writing, within three (3) business days, a list of any voters who have filed an affidavit with the City of San Marcos prior to the delivery of this petition, requesting to be removed from this petition (see Sec. 277.0022).
- **Timely Verification of Petition:** We request that the City of San Marcos make a best effort to complete the verification process within two weeks. Should the City determine this time frame is unrealistic, we request that the City notify us within one week of our submittal today on April 2, 2015 with their expected timeline for counting and verification.
- **Provide List of Excluded Signatures:** We request you provide us with a list of any of the pre-verified signatures that you exclude, and the reason why.
- **Use of Petition Language as Ballot Language:**

We ask the City to put on the ballot the exact language for the Charter Amendment that was endorsed and requested by the San Marcos voters who signed the petition asking that you put it on the ballot.

SAN MARCOS

We also ask that you take note of the judge's ruling in *Jack v. City of Austin*, No. D-1-GN-06-001053, in the 345th Judicial District Court, Travis County, Texas (2006), which struck city charter amendment ballot language included by the Austin City Council that was misleading and inaccurate.

Suggested language:

"The City of San Marcos including its departments, agents, and contractors, SHALL NOT FLUORIDATE THE PUBLIC WATER SUPPLY or accept any fluoridated water for use in the San Marcos water system, including but not limited to the addition of Hydrofluorosilicic Acid, Hexafluorosilicic Acid, Sodium Silicofluoride, or any other fluoride derivative. The City of San Marcos shall not purchase, install, or allow the installation of fluoridation equipment to be used in relation to the San Marcos municipal water supply or its distribution system."

A vote of YES will be to stop adding fluoride.

***Inclusion on November 2015 Ballot:** With our April 2nd delivery of the petition, there is clearly adequate time for the City to verify the signatures and for City Council to take action to put this item on the November 2015 ballot. The Texas Local Government Code, section 9.004(b), mandates: "The ordinance ordering the election shall provide for the election to be held on the first authorized uniform election date prescribed by the Election Code or on the earlier of the date of the next municipal general election or presidential general election."

Best Regards,

Kathleen O'Connell
Coordinator,
Communities for Thriving Water
Fluoride-Free San Marcos

512-550-5588
kathleen@getyourdreamon.com

Received by: _____ **Title** _____
on April 2th, 2015 (signature of City of San Marcos, Texas, City Clerk or representative)

