

AN ORDINANCE PROVIDING FOR THE SUBMISSION TO THE QUALIFIED VOTERS OF THE CITY OF ABILENE, OF CERTAIN AMENDMENTS TO THE CITY CHARTER CHANGING THE FORM OF GOVERNMENT TO THE CITY MANAGER PLAN: PROVIDING FOR THE APPOINTMENT OF A CITY MANAGER, PRESCRIBING HIS POWERS AND DUTIES: PRESCRIBING TIMES OF MEETING OF THE BOARD OF COMMISSIONERS, THE PAY OF SAID MEMBERS AND THE MAYOR: PROHIBITING CONTRACTS FOR PERSONAL SERVICES FOR ANY STATED TIME: PROVIDING THAT SAID BOARD MAY FIX SALARIES OF OFFICERS AND EMPLOYERS: PROHIBITING THE PAYMENT OF ANY CLAIM AGAINST THE CITY UNLESS EVIDENCED BY AN ITEMIZED ACCOUNT; AND AMENDING SECTION 59-F, ARTICLE 8, CREATING A PARK AND PUBLIC RECREATION BOARD, PRESCRIBING THEIR TENURE OF OFFICE, THEIR POWERS AND DUTIES; AND ORDERING AN ELECTION THEREON TO BE HELD ON THE 10 DAY OF December A.D., 1940.

Whereas, a group of citizens of Abilene headed by W. J. Fulwiler, Sr. have appeared before the Board of Commissioners, requesting that certain amendments to the city charter be submitted to the qualified voters of the city for rejection or adoption at an election to be held for said purpose, said proposed amendments, changing the form of government to the city manager plan, which changes are embodied in Amendments numbered from one to seven inclusive, hereinafter set out, Amendment No. 8 being proposed by ~~said Board~~ *another group of citizens*; and said Board of Commissioners, deems it advisable to submit said proposed amendments of its own motion, and;

Whereas, on the 20th day of September, 1940, a resolution was duly passed by the Board of Commissioners of said city, giving notice of its intention to pass an ordinance for the submission of ~~said amendments to the qualified voters of said city~~, of such proposed amendments to the existing city charter of said city, and;

Whereas, such notice of intention was published in the Abilene Reporter-News, a newspaper published in said city, for ten days, the date of the first publication thereof being not less than twenty days next preceding the date of this ordinance, therefore;
BE IT ORDAINED BY THE BOARD OF COMMISSIONERS OF THE CITY OF ABILENE:

Section 1. That the following amendments be submitted to the qualified voters of said city, for their adoption or rejection, under the provisions of Articles 1170, et seq. of the Revised Civil Statutes of Texas.

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AMENDMENT NO. 1

The city manager form of administration of municipal government is hereby established for the city of Abilene, and the office of City Manager is hereby created. The Board of Commissioners shall select a suitable person as city manager, who shall hold his office for an indefinite period, subject to removal at any time by the Board of Commissioners. Before entering upon his duties he shall qualify by taking the official oath as prescribed in Section 15 of the City Charter, and he shall execute a good and sufficient bond payable to the City of Abilene, in such amount as may be determined by the Board of Commissioners, conditioned upon the faithful discharge of the duties of his office and the strict and faithful accounting of all moneys and effects of said city coming into his hands or possession as such City Manager, said bond to be approved by said Board, which may require a new bond as is provided in Section 44 of the City Charter. Said City Manager shall be the administrative head of the Municipal Government, charged with the power and duties of enforcing all of the laws and ordinances of said city, and with the approval of said Board, he shall appoint all appointive officers of said city, except members of the Park and Public Recreation Board, and he shall employ all employees of said city, with the approval of said Board. Said city manager shall have the power to peremptorily remove any officer or employee of said city, appointed or employed by him. This amendment shall supersede and repeal all provisions of the present city charter in conflict with this amendment; but this amendment, if adopted, shall not take effect until the first Tuesday in April, 1941, and the present city officers may hold their respective offices till their terms expire on said date.

AMENDMENT NO. 2
The Chief of Police of the City of Abilene shall hereafter be an appointive officer; and the provisions of Section 11 of the Abilene City Charter, which provide for the election of a chief of police and all other provisions of said charter which are in conflict herewith are hereby repealed; but this amendment, if adopted, shall not take effect until the first Tuesday in April, 1941.

AMENDMENT NO. 3
The Board of Commissioners shall meet in regular session every two weeks; and the mayor or city manager or any three commissioners may call a special session of said Board at any time deemed advisable by such person or persons making such call. All provisions of the city charter in conflict herewith are hereby repealed, but this amendment, if adopted, shall not take effect until the first Tuesday in April, 1941.

AMENDMENT NO. 4
The mayor and each commissioner shall be paid \$10.00 per diem for attendance on each regular meeting of the Board of Commissioners, and no compensation for special or called meetings; provided further than no compensation shall be allowed the mayor or any commissioner if absent from any regular meeting of said Board, unless such absence is unavoidable, the reason thereof be presented in writing and the same be considered, such by the other members of the board, and such reason be spread upon the minutes of the proceedings. All provisions of the city charter in conflict herewith are hereby repealed; but this amendment, if adopted, shall not take effect until the first Tuesday in April, 1941.

AMENDMENT NO. 5
No contract shall ever be made by the City of Abilene or on its behalf, which shall bind the city to pay for personal services to be rendered to said city for any stated period of time; but all appointive officers and employees shall be subject to peremptory discharge. All provisions of the city charter in conflict herewith are hereby repealed; but this amendment, if adopted, shall not take effect until the first Tuesday in April, 1941.

AMENDMENT NO. 6
The Board of Commissioners shall fix and determine the salaries and pay for services of the city manager and all appointive officers and employees of said city, and provide for the payment thereof. All provisions of the city charter in conflict herewith are hereby repealed; but this amendment, if adopted, shall not take effect until the first Tuesday in April, 1941.

AMENDMENT NO. 7
No warrant, voucher or order for the payment of any claim against the city in favor of any person, persons, firm or corporation, shall be issued by the Board of Commissioners or its order nor shall same be paid by the city treasurer unless such claim is evidenced by an itemized account approved by the city manager, signed by the mayor and countersigned by the city secretary. All provisions of the city charter in conflict herewith are hereby repealed; but this amendment, if adopted, shall not take effect until the first Tuesday in April, 1941.

AMENDMENT NO. 8
To amend subdivision F of Section 39

of Article 8 of the City Charter of the City of Abilene by adding thereto subdivisions F-1, F-2, F-3, F-4, F-5, F-6, F-7, F-8, F-9, F-10, F-11, F-12, F-13, F-14 and F-15 as follows:

Subdivision F-1
Organization of Board.—Within thirty (30) days after the adoption of this amendment and the qualification of the board members, there shall be appointed by the Board of Commissioners a board consisting of ten members, composed of both men and women, to be known as the Park and Public Recreation Board, with the park commissioner an ex-officio member. No person shall be eligible to appointment on said Board who is not a citizen of the United States or a resident of the City. The members of said Board shall serve without compensation.

Subdivision F-2
Term of Office of Members of Board.—The term of office of the members of said Board shall, subject to the provisions relative to their removal, be five years. Two of the members of the first Board created hereunder shall be appointed for the term of one, two, three, four and five years respectively, and annually thereafter two members shall be appointed for the term of five years.

Subdivision F-3
Removal from Board.—Vacancies, How Filled.—The members of the Park and Public Recreation Board shall be subject to removal from office by the Board of Commissioners for any cause deemed by the Commission sufficient for their removal in the interest of the public service; but only after a public hearing before the Board of Commissioners on charges publicly made, if demanded by such member within ten days. Any vacancy in the membership of said Board shall be filled by the Board of Commissioners within 30 days for the unexpired term of the member whose place has by removal or otherwise become vacant.

Subdivision F-4
Powers and Jurisdiction.—Scope of Activities.—The Park and Public Recreation Board shall, subject to the authority of the Board of Commissioners, have the exclusive control, management and maintenance of all the public parks, parkways, water parks, municipal squares, improved or unimproved, and the grounds surrounding all municipal buildings (except school buildings) now owned or controlled, or which may hereafter be acquired by the City of Abilene, either within or without the corporate limits of the City. It shall have the management and control of the beautifying and parking of any ground, street, boulevard or lake, or part thereof, or of any cemetery, belonging to the City, which the Board of Commissioners may designate to receive such improvements. Said Board shall in addition exercise supervision and control over the planting and care of all trees, plants and shrubs of any kind in the public parks and other grounds under its jurisdiction, as well as on or in the streets and sidewalks of the City. It may in the name of the City take and hold by purchase, devise, bequest or otherwise such real and personal property as may be needful for carrying out the intent and purposes for which the said Park and Public Recreation Board was established; it shall recommend to the Board of Commissioners the institution of condemnation proceedings whenever, in its judgment, private property should be taken in the name of the City for the purpose of enlarging park and recreational system of the said City; it may, with the approval of the Board of Commissioners, sell and convey or lease lands belonging to the said department, and all proceeds from such sales or leases shall be deposited in the City Treasury to the credit of the Public Park and Recreation Fund; it shall have power for and on behalf of the City to receive donations, legacies or bequests for the improvement or maintenance of the Public Parks of the City, or for the acquisition of new parks, and all such moneys derived from such donations, legacies or bequests, be deposited in the City Treasury to the credit of the Public Park and Recreation Fund, and same may be drawn therefrom and paid out only in the manner provided for the payment of moneys legally appropriated for the acquisition, support and improvement of the Public Parks of the City.

The Park and Public Recreation Board shall also have power and authority to equip, operate, supervise and maintain playgrounds, athletic fields, swimming

centers, indoor recreation centers, municipal camps, or other recreation facilities on or in any public grounds of buildings, either within or without the City, which the Board of Commissioners may from time to time provide, acquire, authorize, offer, designate or set apart for such use; it shall have power to equip, operate, supervise and maintain playgrounds, athletic fields, swimming centers and other recreation facilities; it shall have the power to take charge of and use any grounds, places, buildings, or facilities which may be offered; either temporarily or permanently, by individuals or corporations, or other person whatsoever, for playgrounds or recreational purposes; it shall have the power for and in behalf of the City to receive donations, legacies or bequests for the improvement or maintenance of playgrounds, recreation centers or other recreation facilities, or the requirement of new playgrounds, recreation places, and all moneys that may be derived from such donations, legacies, or bequests shall, unless otherwise provided by the terms of such donations, legacies or bequests, be deposited in the City Treasury to the credit of the Park and Recreation Fund; the same may be drawn therefrom and paid out only in the manner provided for the payment of moneys legally appropriated for the acquisition, support and improvement of such playgrounds, recreation centers and other recreation places; it shall have authority to organize and conduct plays, games, tournaments, meets and leagues; dramatics, pageants, festivals and celebrations; community music, clubs, debating societies, public speaking, storytelling, picnics, hikes, excursions, municipal camps, social and any other form of activity that will employ the leisure time of the people in a constructive and wholesome manner.

Subdivision F-5
Appointment of Employees.—Rules and Regulations for Government of Same.—Organization of Board.—The Park and Public Recreation Board shall have power to appoint and employ a Superintendent and such other officers and assistants and laborers as it may deem necessary for the efficient administration of the affairs of said department; prescribe and fix their duties, authority, compensation and qualifications as to residence or otherwise. It shall have the management and disposal of all funds legally apportioned or received from any source for the support and maintenance of the said public parks and grounds. Likewise all funds and income which may be derived from any recreation activities such as swimming pools and the like shall be deposited in the Parks and Recreation Fund and be under the control of said Park and Public Recreation Board. It shall have power to establish rules and regulations for the conduct of its officers and employees, and may require adequate bonds from any or all of them, except laborers, for the faithful performance of their duties, in such amounts as may be fixed by it; such bonds to be approved by the Board of Commissioners, premiums, if any, to be paid out of the Park and Recreation fund and filed in the office of the City Secretary. It shall have the power to formulate and adopt rules and regulations for the government of said parks and other grounds under its jurisdiction. The Park and Public Recreation Board shall organize by electing one of its members President, one Vice-president and one Secretary. The Board shall have authority to elect a Secretary who is not a member of the Board. The officers shall hold office for one year and until their successors are elected and qualified. The Park and Public Recreation Board shall hold regular meetings at least once in every two weeks, and shall establish rules and regulations for its government and for the performance of its duties.

Subdivision F-6
In addition to the ad valorem tax provided for in the Charter the said department shall be allowed all the receipts and revenues arising from the operation of the various parks, playgrounds and recreational activities within its jurisdiction, and the said ad valorem tax and the said receipts, together with whatever further amount, if any, the Board of Commissioners may in its discretion set apart in the annual budget or otherwise for the use and benefit of this department shall constitute the appropriation for the op-

suddenly become the United States has shown pete.

A Bright Side of t
There has been so much ing in the first year of that it's something of a lone indication of a trend human progress.
Six diseases which in ed more lives than bulle so far been checked. The smallpox, typhoid, dys cerebro-spinal meningitis but they've been conqu Better housing, better new treatments, and—m —watchful medical ex bined to prevent a recu

accepting its accounts and vouchers necessary to be used in the conduct of its business, which said forms and methods of accounting shall be employed by said Board in conducting the business of said department, so as to conform as nearly as possible to the method of accounting instituted and enforced in the Department of Finance.

Subdivision F-9
The said Board of Park and Public Recreation shall at the end of each month render to the Board of Commissioners a full and detailed itemized statement of all expenditures incurred or moneys paid out during said month and the purposes for which the said expenditures were incurred or moneys paid out, and the said accounts of the said Board shall be submitted to a monthly audit and checked against the appropriation set apart in the annual budget for the operation of said department.

Subdivision F-10
At the end of each fiscal year the Board of Commissioners shall make or cause to be made a full and complete audit in duplicate of the accounts and business of said department for such year, one copy of which shall be filed with the Board of Commissioners and the other copy with the said Board of Park and Public Recreation.

Subdivision F-11
The Board of Commissioners may provide for the purchase of all supplies for the said Board to be made on competitive bids when such supplies exceed \$50.00 in value and under such regulations as the Board of Commissioners may hereafter adopt.

Subdivision F-12
Department to operate within Budget Allowance.—The Park and Public Recreation Board shall not make any expenditure of money or incur any liability for its maintenance and upkeep for the current year beyond the amount of money set apart in the annual budget for such purpose.

Subdivision F-13
Approval of Board of Commissioners necessary to be obtained to authorize certain Expenditures by Department.—No expenditure shall be made or liability incurred by the Park and Public Recreation Board exceeding Five Hundred (\$500.00) Dollars in amount, without first being authorized and approved by the Board of Commissioners; but this section shall not apply to employees that the said Board may deem necessary to employ for the operation of the said department for the current year, where the salary of such employee does

Section 2. That a special election be held in the city of Abilene on the 10th day of December A.D.1940 for the purpose of submitting to the qualified voters of said city, for adoption or rejection of the amendments set out in Section 1 hereof. Said election shall be held in the election precincts of said city, heretofore prescribed by ordinance of said city, with the following presiding officers who shall ^{select} appoint a sufficient number of ~~clerks and judges~~ ^{assistants and} to hold said election for said precinct, to wit:

PRECINCT NO. 1. VOTING PLACE -- TAYLOR COUNTY COURT HOUSE
J. D. Hailer, Presiding Officer, Said Precinct
Bounded as follows:

Commencing with intersection of East City Limits with the T & P R. R., Thence South with said City limits following same with its meanderings around to a point in the center of Sycamore Street; Thence North with the center line of Sycamore Street to the North property line of South 14th Street; Thence West with the North property line of South 14th Street to a point in the center line of Elm Street, thence North with the center line of Elm Street to the T & P R. R.; Thence East with said R. R. to the place of beginning.

PRECINCT NO. 2. VOTING PLACE -- FIRE STATION 5TH & BUTTERNUT STREETS
Carl C. Sellers, Presiding Officer, said precinct
bounded as follows:

Commencing at a point on the T & P R. R. directly North of the Center line of Elm Street; Thence South with the center line of Elm Street to the North property line of South 14th Street, Thence East with the North property line of South 14th Street to a point directly North of the center line of Sycamore Street; Thence South with the center line of Sycamore Street to City Limits; Thence West with said City Limits line following same with its meanderings to a point on a straight line with the center of Amarillo Street; Thence North with the center line of Amarillo Street to the T & P R. R., Thence East with said R. R. to the place of beginning.

shall be governed by the general laws of the State of Texas regulating general elections when not in conflict with the provisions of the laws hereinabove referred to.

Section 5: The form of ballot to be used in said election shall be respectively as follows:

OFFICIAL BALLOT

(INSTRUCTIONS TO VOTERS: Those who desire to vote for any proposed amendment will erase the word "NO" after such amendment, leaving the word "YES"; and those who desire to vote against any such amendment will erase the word "YES" leaving the word "NO" by running a line or lines through the same with ^{black ink} ~~pen~~ or pencil).

AMENDMENT NO. 1

Do you vote to amend the present city charter of Abilene by adding thereto Amendment No. 1, which amendment is as follows?

(Here Copy Amendment No. 1)

Answer: . Yes No .

And said ballot shall submit separately and consecutively the other amendments submitted as provided in said ordinance, in the same form of question and answer, followed by a copy of the proposed amendment, said amendments being Nos. 2 to 8 inclusive, followed by the same form of answers.

Section 6: All voters desiring to vote for the adoption of any of the proposed amendments shall permit to remain on their ballots with respect to each proposed amendment which they desire to have adopted the word: "YES", and those opposed shall permit to remain on their ballots with respect to each amendment which they desire to have rejected the word: "NO".

Section 7: The City Secretary shall within not less than thirty days prior to the election, mail a copy of each of the proposed amendments to every qualified voter in the City of Abilene, Texas, as appears from the Tax Collector's rolls for the year ending January 31, 1940

Section 8: The Mayor shall make proclamation of said election and give notice thereof, and a copy of this ordinance shall be

sufficient notice of this election, and thirty days' notice of the time and places of holding the said election shall be given by publication of such notice in the Abilene Reporter-News, a newspaper of general circulation published in said city, once each week for three weeks, the date of the first publication being not less than thirty full days prior to the date of the election.

Passed on its first reading this 18th day of October, A.D. 1940, all commissioners voting "aye".

Passed on its second and final reading this 25 day of October A.D. 1940, all commissioners voting "aye".

Will Smith
Mayor of the City of Abilene, Texas

ATTEST:

Ela Zimmerman
City Secretary

Approved as to form before Passage:

Endershine
Corporation Counsel