

AN ORDINANCE PROVIDING FOR THE SUBMISSION TO THE QUALIFIED VOTERS OF THE CITY OF ABILENE, TEXAS, CERTAIN AMENDMENTS TO THE CHARTER OF SAID CITY, AS SET OUT IN SAID ORDINANCE, SAID CHARTER HAVING BEEN GRANTED TO THE CITY OF ABILENE BY AN ACT OF THE THIRTY-SECOND LEGISLATURE OF THE STATE OF TEXAS, APPROVED BY THE GOVERNOR ON THE 20TH DAY OF MARCH, 1911, BEING CHAPTER NO. 45 OF THE SPECIAL LAWS OF THE STATE OF TEXAS, AS AMENDED; SAID ORDINANCE DESCRIBING THE PRECINCTS, PLACES OF VOTING, AND NAMING ELECTION OFFICIALS; SAID ORDINANCE CARRYING AN EMERGENCY.

Whereas, petitions signed by at least ten per cent of the qualified voters of the City of Abilene have been submitted to the Board of Commissioners requesting an election be ordered for the submission of certain amendments to the Charter of said City; and whereas, said Board has given twenty days notice of its intention to pass an ordinance calling for such election as is required by the provisions of Article 1171, Revised Civil Statutes; as amended, now therefore,

BE IT ORDAINED BY THE BOARD OF COMMISSIONERS OF THE CITY OF ABILENE:

Section No. 1. That the proposed amendments to the City Charter of the City of Abilene be submitted to the qualified voters of said city as herein-after set out, said proposed amendments being as follows, to-wit:

AMENDMENT NUMBER ONE. That Section 42-a, Article IV, of the Charter of the City of Abilene, Texas, which provides for the appointment of a City Manager, be repealed; this amendment being as follows:

"Section 42-a: Section 42-a of Article IV of the City charter is hereby repealed."

AMENDMENT NUMBER TWO. That Section 43-a, Article IV, of the Charter of the City of Abilene, Texas, which provides for certain duties of the City Manager, be repealed; this amendment being as follows:

"Section 43-a: Section 43-a of Article IV of the City charter as it now exists is hereby repealed."

AMENDMENT NUMBER THREE. That Section 43-b, Article IV, of the Charter of the City of Abilene, Texas, which provides for certain duties of the City Manager, be repealed; this amendment being as follows:

"Section 43-b: Section 43-b, of Article IV of the City charter as it now exists is hereby repealed."

AMENDMENT NUMBER FOUR. That subdivision F-15, Section 59, of Article VIII,

of the Charter of the City of Abilene, Texas, which provides for certain duties of the City Manager, be repealed; this amendment being as follows:

"Subdivision F-15 of Section 59: Subdivision F-15 of Section 59 of Article VIII of the City Charter of Abilene, Texas, as it now exists is hereby repealed."

AMENDMENT NUMBER FIVE. That Section 38-c, Article IV, of the Charter of the City of Abilene, Texas, be amended to eliminate all references therein to a City Manager and so as to restore the authority of the Mayor and Commission as to the matters involved therein, so that the same shall hereafter read as follows:

"Section 38-c: At the time and place so advertised, or at any time and place to which such public hearing shall from time to time be adjourned, the Board of Commissioners shall hold a public hearing on the budget as submitted by the Mayor, at which all interested persons shall be given an opportunity to be heard for or against the estimates or any item thereof.

All present Charter provisions in conflict herewith are hereby repealed."

AMENDMENT NUMBER SIX. That Section 38-a, Article IV, of the Charter of the City of Abilene, Texas, be amended so as to eliminate all references therein to a City Manager and so as to restore the authority of the Mayor and Commission as to the matters involved therein, so that the same shall hereafter read as follows:

"Section 38-a: It is specifically provided that the Mayor shall, after preparing the annual budget of the City of Abilene, submit that portion containing anticipated revenue to and expenditure by the Park and Public Recreation Department to the Park and Public Recreation Board before submitting the entire budget to the Board of Commissioners and that the Park and Public Recreation Department shall have the right to insert new items or may increase or decrease any item, in that portion of the budget constituting anticipated revenue and expenditure by that department before adopting that portion of the proposed budget.

All present Charter provisions on conflict herewith are hereby repealed."

AMENDMENT NUMBER SEVEN. That Section 38, Article IV, of the Charter of the City of Abilene, Texas, be amended so as to eliminate all references therein to a City Manager and so as to restore the authority of the Mayor and the Commission as to the matters involved therein so that the same shall hereafter read

as follows:

"Section 38: The fiscal year of the City of Abilene shall commence at 12:01 a.m. on the first day of May of each year. At least 40 days prior to the beginning of each fiscal year the Mayor shall submit to the Board of Commissioners a budget for the next fiscal year and an explanatory budget message. An ordinance shall be adopted by the Board of Commissioners stipulating the contents and form of the budget, and may be amended from time to time as the Board may consider such amendment necessary. For such purpose, at such date as he shall determine, the Mayor, or the City Treasurer at his direction, shall obtain from the head of each board, office, department or agency, estimates of revenue and expenditures of that board, office, department, or agency, detailed by organization units and character and object of data as he may request. In preparing estimates, <sup>the Mayor</sup> shall review the estimates, shall hold hearings thereon and may revise the estimate as he may deem advisable.

All present charter provisions in conflict herewith are hereby repealed."

AMENDMENT NUMBER EIGHT. That Section 27, Article IV, of the Charter of the City of Abilene, Texas, be amended so as to restore the power of the Mayor and the City Commission, so that the same shall hereafter read as follows:

"Section 27: The Mayor shall be deemed a member of said board and shall in all matters and questions coming before the same be entitled to a vote except on confirmation of appointees as made by him and where otherwise provided in this Act. The Mayor shall be the chief executive officer of the City of Abilene; he shall at all time be vigilant and active in enforcing the laws and ordinances, contracts, and franchises made or given said City. He shall preside at all meetings of the Board of Commissioners and shall maintain his office in the City Hall or such other place as may be designated by said Board. He shall have immediate supervision and control of all the departments of said City with authority to manage and conduct the affairs of the same. He shall have power to administer oaths in all matters pertaining to the municipal affairs of said city, shall execute all contracts entered into by the city and shall have authority to suspend any employee of the city with or without cause. He shall in all matters pertaining to the municipal affairs of said city and government thereof give his preferred and undivided attention and service. In addition to the powers and duties vested in him as Mayor by this Act, he shall be vested with all powers vested in Mayors under the General Laws of the State

of Texas.

For convenience in administering the affairs of the government of said city, different departments of said government may be established from time to time, such as fire, police, finance, streets, health, etc., and the Mayor may from time to time designate the different commissioners as respective heads of the several respective departments so established.

All present Charter provisions in conflict herewith are hereby repealed."

AMENDMENT NUMBER NINE. That Section 43, Article IV, of the Charter of the City of Abilene, Texas, be amended so as to restore the appointive powers of the Mayor and Commission, so that the same shall hereafter read as follows:

"Section 43: The Board of Commissioners shall at its last regular meeting in April each year, or as soon thereafter as practicable, and as often thereafter as may be necessary, appoint all officers as provided in the preceding section, and such other officers and employees as may be created by said board, which said appointments shall be in the manner as follows: The Mayor of the City shall submit separately to the Board of Commissioners on the day as hereinbefore set out, the name of an appointee of each office and employment, as hereinbefore provided. If the Board of Commissioners shall elect to confirm the appointments as made by the Mayor, they shall do so by a majority vote therefor entered upon the minutes of said board for each officer or employee so nominated, the vote of the Mayor not included.

Nothing herein contained shall interfere with the administration of the Park Department as presently constituted.

All Present Charter provisions in conflict herewith are hereby repealed."

AMENDMENT NUMBER TEN. That Section 23, Article IV, of the Charter of the City of Abilene, Texas, be amended so as to provide for the compensation of the Mayor and City Commissioners so that the same shall hereafter read as follows:

"Section 23: Each of the commissioners shall receive for his services the sum of \$100.00 per month. The Mayor shall receive for his services a sum not to exceed the maximum amount which at the time may be authorized by law as compensation for the County Judge of Taylor County, Texas. The salary of the Mayor shall be fixed by the present city Commission for the balance of the existing term. At the first meeting in January, 1950, the salary of the Mayor for the succeeding term shall be fixed by the Commission and in like manner the same shall be fixed for each succeeding term at the first meeting in January of each



ments 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 reject the word: "NO".

Section No. 5. Said election shall be held in the election precincts of said city heretofore prescribed by Ordinance No. 237, recorded in Vol. IV, page 283, Ordinance Records, City of Abilene, and at the voting places herein designated, and the following officers are hereby appointed to hold said election in said precincts, to-wit:

Precinct No. 1. VOTING PLACE, TAYLOR COUNTY COURT HOUSE

Z. D. Hailey, Presiding Judge

W. R. Owens, Assistant Judge

Mrs. Jess T. Blanton, Clerk

Mrs. W. A. Jennings, Clerk

Said precinct is bounded as follows: Beginning at a point in the East boundary line of the City of Abilene, said point being the centerline intersection of South First Street and Cedar Creek; Thence West along the center line of South First Street to its intersection with the center line of Elm Street; Thence South along the center line of Elm Street to its intersection with the center line of South 14th Street; Thence East along the center line of South 14th Street to its intersection with the center line of Sycamore Street; Thence South along the center line of Sycamore Street to its intersection with the South boundary line of the City of Abilene; Thence East along the boundary lines of the City of Abilene to the place of beginning

Precinct No. 2. VOTING PLACE, FIRE STATION AT 5TH & BUTTERNUT STREETS.

N. W. Bradshaw, Presiding Judge

A. L. Stewart, Assistant Judge

Mrs. D. C. Clark, Clerk

W. A. Ward, Clerk

Said precinct being bounded as follows: Beginning at the intersections of the center lines of South First Street and Elm Street; Thence South along the center line of Elm Street to its intersection with the center line of South 14th Street; Thence East along the center line of South 14th Street to its intersection with with the center line of Sycamore Street; Thence South

along the center line of Sycamore Street to its intersection with the South boundary line of the City of Abilene; Thence West along the boundary lines of the City of Abilene to a point where said boundary line intersects with the center line of Amarillo Street; Thence North along the center line of Amarillo Street to its intersection with the center line of South First Street; Thence East along the center line of South First Street to the place of beginning; SAVE AND EXCEPT, However, a strip of land outside the City Limits, said strip being bounded on the South by South 20th Street, on the West by Palm Street, on the North by an alley between South 16th and South 17th Streets, and on the East by an alley between Butternut Street and Belmont Boulevard.

Precinct No. 3. VOTING PLACE, WOMAN'S BUILDING, FAIR PARK.

Mrs. Martin Metzger, Presiding Judge

A. J. Hanna, Assistant Judge

Mrs. Artnur J. Harker, Clerk

Mr. Martin Metzger, Clerk

Said precinct being bounded as follows: Beginning at the intersection of the center line of South First Street and the West boundary line of the City of Abilene; Thence East along the center line of South First Street to its intersection with the center line of Amarillo Street; Thence South along the center line of Amarillo Street to its intersection with the South boundary line of the City of Abilene; Thence West along the boundary lines of the City of Abilene to the place of beginning.

Precinct No. 4. VOTING PLACE, Y.M.C.A. BUILDING.

E. V. Sellers, Presiding Judge

Elsie Robbins, Assistant Judge

R. M. Wolfe, Clerk

Mrs. Ed. Reeves, Clerk

Said precinct being bounded as follows: Beginning at the intersection of the center line of North First Street and the West boundary line of the City of Abilene; Thence East along the center line of North First Street to its intersection with the center line of Hickory Street; Thence North along the center line of Hickory Street to its intersection with the center line

of North 10th Street; Thence West along the center line of North 10th Street to its intersection with the West boundary line of the City of Abilene; Thence South along the West boundary lines of the City of Abilene to the place of beginning.

Precinct No. 5. VOTING PLACE, CENTRAL FIRE STATION, NORTH FOURTH AND CEDAR STREETS.

Percy Mayfield, Presiding Judge

Mrs. L. A. Lacey, Assistant Judge

Mrs. Leetie Winsnip, Clerk

Mrs. G. B. Dillard, Clerk

Said precinct being bounded as follows: Beginning at the intersection of the center line of North First Street and the East boundary line of the City of Abilene; Thence West along the center line of North First Street to its intersection with the center line of Hickory Street; Thence North along the center line of Hickory Street to its intersection with the North boundary line of the City of Abilene; Thence East following the North and East boundary lines of the City of Abilene to the intersection of the North boundary line of East North 14th Street and the East boundary line of the City of Abilene, said point being in the East Right-of-way line of the Wichita Valley Railroad; Thence South along the said Right-of-way line to its intersection with the South boundary line of College Drive, said point being in the East boundary line of the City of Abilene; Thence South following the East boundary lines of the City of Abilene to the place of beginning.

Precinct No. 6. VOTING PLACE, ORANGE STREET FIRE STATION.

E. S. Cummings, Presiding Judge

Mrs. Will Hair, Assistant Judge

J. A. Cassle, Clerk

Mrs. J. A. Cassle, Clerk

Said precinct being bounded as follows: Beginning at the intersection of the center line of North 10th Street and the West boundary line of the City of Abilene; Thence East along the center line of North 10th Street to its intersection with the center line of Hickory Street; Thence North along



the center line of Hickory Street to its intersection with the North boundary line of the City of Abilene; Thence West from Hickory Street following the boundary lines of the City of Abilene back to the place of beginning.

Precinct No. 7. VOTING PLACE, COLLEGE HILL PHARMACY

Frank Etter, Presiding Judge

Natn White, Assistant Judge

Mrs. Gladys Arledge, Clerk

Mrs. Fred Smith, Clerk

Said precinct being bounded as follows: Beginning at the intersection of the North boundary line of East North 14th Street and the East Right-of-way line of the Wichita Valley Railroad, said point being in the East boundary line of the City of Abilene; Thence South along the East line of said Right-of-way to its intersection with the South boundary line of College Drive; Thence East along the South boundary line of College Drive, said boundary line also being the boundary line of the City of Abilene, and continuing along the boundary lines of the City of Abilene, around Abilene Christian College, back to the place of beginning.

Section No. 6. All ordinances in conflict with this ordinance are hereby repealed.

Section No. 7. Said election shall be held under the provisions of the general laws of the State of Texas, except where otherwise provided by the Abilene City Charter, and all persons qualified to vote in said City Election under the laws of this State regulating general elections in cities shall be allowed to vote.

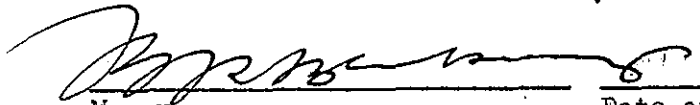
Section No. 8. Such of the foregoing amendments as receive the approval of a majority of the voters, as shown by the returns of said election, shall be in full force and effect immediately upon the canvass of the returns and the entering of an official order of said fact upon the records of said City by the Board of Commissioners declaring the same adopted; those amendments which fail to receive the approval of a majority of the voters shall be of no force and effect.

Section 9. It appearing that due notice of the intention to consider and pass this ordinance has been given in accordance with the provisions of

Article 1171, Revised Civil Statutes of Texas, 1925, as amended, it is further ordered that the City Secretary shall mail a copy of the proposed amendments to every qualified voter of the City of Abilene as appears from the Tax Collector's rolls for the year ending January 31, 1947.

Section No. 10. The Mayor shall make proclamation of said election, and a copy of this ordinance shall be sufficient notice of this election. It is further ordered that said proclamation, together with a copy of this ordinance, be published one time in the Abilene Reporter-News, a newspaper of general circulation in the City of Abilene, giving further notice of said election to be held November <sup>7</sup>30, 1948.

Section No. 11. The fact that said special election has been announced for November <sup>7</sup>30, 1948, and there will not be sufficient time to pass this ordinance without suspension of the rule announced in Section 32 of the City Charter, requiring that ordinances be passed at two regular and distinct meetings of the Board of Commissioners, an emergency is hereby declared suspending said rule, and this ordinance is read and passed twice at one and the same meeting on this the 29th day of October, A. D. 1948.

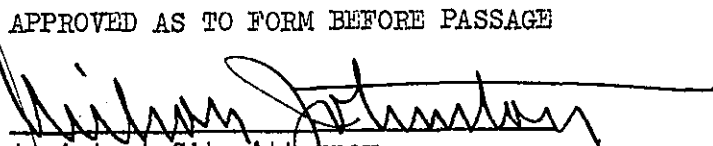
  
\_\_\_\_\_  
Mayor

10/29/48  
\_\_\_\_\_  
Date of signing

ATTEST:

  
\_\_\_\_\_  
City Secretary

APPROVED AS TO FORM BEFORE PASSAGE

  
\_\_\_\_\_  
Assistant City Attorney