

OK
File

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 THE ACTS 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; AND ALSO SUBMITTING TO SAID VOTERS THE QUESTION WHETHER OR NOT THE PUBLIC SCHOOLS SHALL BE DIVORCED FROM MUNICIPAL CONTROL.

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, RCS;

And whereas, a petition signed by more than twenty-five per cent of the qualified voters of said city voting in the last election, calling for an election for determining^{whether}/or not the public schools shall be divorced from municipal control has been presented to said Board as is provided in Article 2783a RCS, therefore;

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

Section No. 1. That the proposed amendments to the charter of the city of Abilene, and the question of the divorcement of the Public Schools from municipal control, be submitted to the qualified voters of said City as hereinafter set out, said proposed amendments being as follows, towit:

AMENDMENT NO. 1: That Section 11, Article II, of the Charter of the City of Abilene be amended hereafter to read as follows:

The Board of Commissioners of the City of Abilene shall order a general election to be held on the first Tuesday of April, 1947 and shall order a general election to be held at

each successive interval of one year thereafter.

AMENDMENT NO. 2: That the Charter of the City of Abilene be amended by adding thereto Section 11a, to read as follows:

At the general election held on the first Tuesday in April, 1947 there shall be selected by the qualified voters of the City of Abilene a Mayor and two Commissioners who shall hold their offices for a period of two years, or until their successors shall have been elected and qualified, and there shall be elected two Commissioners who shall hold their offices for a period of one year, or until their successors shall have been elected and qualified. The two Commissioners elected for two-year terms at the general election held on the first Tuesday of April, 1947 shall be the two candidates who receive the largest number of votes among the candidates for Places Nos. 1 and 3, respectively, as such Places are defined in Section No. 4 of this ordinance, being an amendment to Section 12, Article IV of this Charter. The two Commissioners elected for one-year terms at the general election held on the first Tuesday in April, 1947 shall be the two candidates who receive the largest number of votes among the candidates for Places Nos. 2 and 4, respectively, as such Places are defined in Section No. 4 of this ordinance, being an amendment to Section 12, Article IV, of this Charter. Thereafter on the first Tuesday in April of even-numbered years there shall be elected by the qualified voters of the City of Abilene two Commissioners who shall be elected for Places Nos. 2 and 4, as such Places are defined in Section No. 4 of this ordinance, being an amendment to Section 12, Article IV, of this Charter, and such two Commissioners shall hold their offices for a period of two years or until their successors.

shall have been elected and qualified, and on the first Tuesday in April of odd-numbered years there shall be elected a Mayor and two Commissioners and said Commissioners shall be elected for Places 1 and 3 as such Places are defined in Section No. 4 of this ordinance, ~~being an amendment to~~ Section 12, Article IV, of this Charter, and such two Commissioners shall hold their offices for a period of two years, or until their successors shall have been elected and qualified.

AMENDMENT NO. 3: That Section 11, Article II, of the Charter of the City of Abilene be amended by adding thereto Section 11b to read as follows:

Each general election as provided in this Charter shall be ordered by the Board of Commissioners which shall give notice twenty days before said election in a daily newspaper of general circulation in said City and shall determine the place in said City for holding the same and shall canvass the returns and declare the results thereof: otherwise said elections and the manner of holding same shall be governed by the laws of the State of Texas, governing general elections so far as the same may be applicable thereto: and in the event that there should be any failure on the part of the general laws of this State to provide for some feature of said City election, then the said Board of Commissioners shall have the power to provide for such deficiency by ordinance, provided, that proclamation for general city elections shall be given publication thereof, not less than three times in a daily newspaper of general circulation in said city, the first publication of which shall appear not less than thirty days prior to the date set for such city election.

AMENDMENT NO. 4: That Section 12, Article IV, of the Charter of the City of Abilene, be amended hereafter to read as follows:

The four Commissioners to be elected, as provided in this Charter, shall be voted for and elected separately and shall be separately designated on the official ballot as "Places 1, 2, 3, and 4". Places No. 1 and No. 2 shall be filled by persons residing south of the present main line of the Texas and Pacific Railway in said City and Places No. 3 and No. 4 shall be filled by persons residing north of the present main line of said railway in said city. Each person desiring to become a candidate for commissioner as aforesaid, shall

designate the place number for which he desires to become a candidate and his name shall be printed on the official ballot beneath the number so selected, and each voter shall vote on only one candidate under each of such places.

AMENDMENT NO. 5: That Section 12, Article IV, of the Charter of the City of Abilene be amended by adding thereto Section 12a to read as follows:

In the general election held on the first Tuesday in April 1948, there shall be selected by the qualified voters of the City of Abilene a commissioner for Place No. 2 and a commissioner for Place No. 4 and each shall hold his office for a period of two years or until his successor shall have been elected and qualified. In the general election held on the first Tuesday in April 1949 there shall be selected by the qualified voters of the City of Abilene a Mayor and there shall also be selected a Commissioners for place No. 1 and Commissioner for Place No. 3 and each shall hold his office for a period of two years or until his successor shall have been elected and qualified.

AMENDMENT NO. 6: That Section 20, Article IV, of the Charter of the City of Abilene, be amended to hereafter read as follows:

All powers of the city and the determination of all matters of policy shall be vested in the Board of Commissioners which shall have and exercise all of the powers and authority granted in this Charter: shall pass and adopt needful ordinances and resolutions and adopt all necessary rules and regulations governing the different departments of the city not inconsistent with the provisions of this Charter and the constitution and general laws of this State.

AMENDMENT NO. 7: That Section 21, Article IV, of the Charter of the City of Abilene be stricken out of said Charter.

AMENDMENT NO. 8: That Section 21a, Article V, of the Charter of the City of Abilene be stricken out of said Charter.

AMENDMENT NO. 9: That Section 22, Article IV of the Charter of the City of Abilene be stricken out of said Charter.

AMENDMENT NO. 10: That Section 23, as amended, Article IV, of the Charter of the City of Abilene, be amended to hereafter read as follows:

(Each of said Commissioners shall receive for his services the sum of five dollars for each and every regular meeting of said Board of Commissioners at which he shall be present: provided that if any Commissioner is absent from such meeting on account of illness or absent from the city on business of the city, he shall nevertheless receive pay for such meeting, provided that this amendment shall not be in effect until after the first Tuesday in April 1947.)

AMENDMENT NO. 11: That Section 24, Article IV, of the Charter of the City of Abilene, be amended hereafter to read as follows:

(The Board of Commissioners at their first regular meeting after their qualification or as soon thereafter as may be practicable, shall, by a majority vote, designate from among their number one Commissioner as Mayor pro-tempore, who shall hold his office for a period of one year or until his successor is elected and qualified, whose duty it shall be in the absence of the Mayor of the said City to perform and execute all of the duties of the mayor.)

AMENDMENT NO. 12: That Section 25, Article IV, of the Charter of the City of Abilene, be amended hereafter to read as follows:

(The said board shall have one regular meeting in each week and it shall be the duty of said board by resolution to set the day and the hour of such meetings, and it shall have the authority to change such day and hour from time to time, and shall make, establish and enforce such rules for the government and transaction of business thereat as they shall deem fit and proper, except where otherwise restricted in this Charter.)

AMENDMENT NO. 13: That Section 27, Article IV, of the Charter of the City of Abilene, be amended hereafter to read as follows:

(The Mayor shall be the presiding officer of the Board of Commissioners and shall be deemed a member of said board and shall in all matters and questions coming before same be entitled to a vote but he shall have no veto power. He shall have the power to administer oaths in all matters pertaining to municipal affairs of said city, and shall execute all contracts entered into by the city. He shall be recognized as the official head of the city by the courts for the purpose of enforcing military law, and for all ceremonial purposes. In times of danger or emergency or disaster, the Mayor

may, with the consent of the Board of Commissioners, take command of the police and govern the city by proclamation and maintain order and enforce all laws. He shall have power to administer oaths in all matters pertaining to municipal affairs of said city. The mayor shall, after the first Tuesday in April 1947, receive as remuneration for his services five dollars for each and every regular meeting of the Board of Commissioners at which he may be present.

AMENDMENT NO. 14: That Section 28, Article IV, of the Charter of the City of Abilene, be amended hereafter to read as follows:

Extraordinary meetings of said Board of Commissioners may be called by the Mayor or any member of the board at any time upon at least twelve hours written notice to each member, served personally or left at the usual place of business or residence of such member, or such meetings may be held at any time without written notice, provided that all members are present and provided that said board shall not be confined to the consideration of matters named in said call and all matters and questions acted upon at such meetings and all ordinances and resolutions passed or other business transacted thereat shall be as effective as if done and performed at a regular meeting except the passage of ordinances carrying a franchise or public right, which shall be passed only at a regular meeting.

AMENDMENT NO. 15: That Section 31, Article IV, of the Charter of the City of Abilene be amended hereafter to read as follows:

The affirmative vote of a majority shall be necessary to adopt any ordinance or resolution except where herein otherwise provided. All meetings of the Board shall be public, except where otherwise directed by the board and complete minutes of its proceedings, whether regular or special, public or closed, shall be kept, to which any citizen may have access at all reasonable times ^{and} *the vote* ~~on the passage of all ordinances and resolutions~~ which shall be taken on the "ayes" and "nays" and entered upon the minutes, shall be recorded in a book kept for that purposes and shall be authenticated by the signature of the presiding officer and the person performing the duties of City Secretary.

AMENDMENT NO. 16: That Section 32, Article IV, of the Charter of the City of Abilene be amended hereafter to read as follows:

(Every ordinance shall be introduced in writing in the form in which it is intended to be finally passed, and after passage on first reading there shall be published a notice in a daily newspaper of general circulation in the City of Abilene of the time and place when and where it will be given a public hearing and considered for final passage, ~~except that no such notice or public hearing shall be required as to ordinances passed under suspension of the rules as provided in Section 32 of the City Charter.~~ The First such publication shall be at least one week prior to the time advertised, except where herein otherwise provided. When it is deemed necessary to

pass an ordinance to meet an emergency this rule may be suspended by vote of any four members of the Board of Commissioners and such ordinance read twice and passed at one and the same meeting.

AMENDMENT NO. 17: That Section 32, Article IV, of the Charter of the City of Abilene be amended by adding thereto Section 32a, hereafter to read as follows:

At the time and place so advertised, or at any time and place to which such hearing shall from time to time be adjourned, such ordinance shall be read in full and, after such reading, all persons shall be given opportunity to be heard.

AMENDMENT NO. 18: That Section 32, Article IV of the Charter of the City of Abilene be amended by adding thereto Section 32b hereafter to read as follows:

After such hearing the Board of Commissioners may finally pass such ordinance withor without amendment, except that if it shall make an amendment, it shall not finally pass the ordinance until it shall have caused to be published in a daily newspaper of general circulation in the City of Abilene a notice of the time and place when and where such amended ordinance will be further considered, which publication shall be at least three days prior to the time stated, provided that this shall not apply to ordinances passed under suspension of the rules as provided in this Section. At the time advertised or at any time to which such meeting shall be adjourned, the amended ordinance shall be read in full and a public hearing thereon shall be held and after such hearing the Board of Commissioners may finally pass such amended ordinance or again amend it subject to the same conditions. The second passage of any ordinance pursuant to this charter shall be final and no further passage shall be required.

AMENDMENT NO. 19: That Section 36, Article IV, of the Charter of the City of Abilene, be amended hereafter to read as follows:

All ordinances passed by said board shall within three days after final passage thereof, or as soon thereafter as practicable be correctly recorded and enrolled by the City Secretary in a book kept for that purpose and he shall certify at the conclusion of each ordinance recorded the date of its final passage, the names of the members of the Board of Commissioners voting for and against the same, and the date on which it was signed by the mayor: and said ordinance when certified as above or a certified copy thereof, or said book shall be received in evidence in all courts of this state without further proof: provided that if the city shall have said ordinance printed and certified in the book or in pamphlet form such certificate may be omitted, and when so printed and published and bearing on the title page the inscription "Published by Authority of the City of Abilene" the same shall be received in all courts in like manner as the ordinance book referred to.

AMENDMENT NO. 20: That Section 38, Article IV, of the Charter of the City of Abilene shall be amended hereafter to read as follows:

The fiscal year of the City of Abilene shall commence at 12:01 a.m. of the first day of May of each year. At least ⁴⁰~~35~~ days prior to the beginning of each fiscal year, the City Manager 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 City Manager, or the City Treasurer at his direction, shall obtain from the head of each board, office, department or agency, estimates of revenue and expenditure of that board, office, department or agency, detailed by organization units and character and object of expenditure, and such other supporting data as he may request. In preparing the budget, the City Manager shall review the estimates, shall hold hearings thereon and may revise the estimate as he may deem advisable.

AMENDMENT NO. 21: That Section 38, Article IV, of the Charter of the City of Abilene, be amended by adding thereto Section 38a hereafter to read as follows:

It is specifically provided that the City Manager shall, after preparing the annual budget of the City of Abilene, submit that portion containing anticipated revenue to and expenditure ~~for~~ 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 Board shall have the right to insert new items or may increase or decrease any item, in that portion of the budget constituting anticipated revenue to and expenditure by that department before adopting that portion of the proposed budget.

AMENDMENT NO. 22: That Section 38, Article IV, of the Charter of the City of Abilene, be amended by adding thereto Section 38b to read as follows:

(At the meeting of the Board of Commissioners at which the budget and budget message are submitted, ~~the~~ Board of Commissioners shall determine the place and time of the public hearing on the budget, and shall cause to be published in a daily newspaper of general circulation in the City of Abilene a notice of the place and time at which the Board of Commissioners will hold a public hearing.

AMENDMENT NO. 23: That Section 38, Article IV, of the Charter of the City of Abilene, be amended by adding thereto Section 38c, to read as follows:

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 City Manager, at which all interested persons shall be given an opportunity to be heard for or against the estimates or any item thereof.

AMENDMENT NO. 24: That Section 38, Article IV, of the Charter of the City of Abilene, be amended by adding thereto Section 38d to read as follows:

After conclusion of such public hearing the Board of Commissioners may insert new items or may increase or decrease the items of the budget. Before inserting any additional item or increasing any item of appropriation, the Board of Commissioners must cause to be published in a daily newspaper of general circulation

in the City of Abilene a notice setting forth the nature of the proposed increases and fixing a place and time not more than five days after such publication, at which the Board of Commissioners will hold a public hearing thereon.

AMENDMENT NO. 25: That Section 38, Article IV, of the Charter of the City of Abilene, be amended by adding thereto Section 38~~2~~, to read as follows:

After such further public hearing the Board of Commissioners may insert the additional item or items and make the increase or increases, to the amount in each case indicated by the public notice or to a lesser amount, but where it shall increase the total proposed expenditures, it shall also increase the total anticipated revenue to at least equal such total proposed expenditures.

AMENDMENT NO. 26: That Section 39, Article IV, of the Charter of the City of Abilene, be amended hereafter to read as follows:

The budget shall be adopted by ordinance duly passed by the favorable votes of at least a majority of all the members of the Board of Commissioners not later than the twenty-seventh day of the last month of the fiscal year, provided that it shall not be required that such budget ordinance be published.

AMENDMENT NO. 27: That Section 39, Article IV, of the Charter of the City of Abilene, be amended by adding thereto Section 39a to read as follows:

Upon final adoption by the Board of Commissioners the budget shall be in effect for the budget year. A copy of the budget, as finally adopted, shall be certified by the Mayor and the City Secretary and filed in the office of the City Treasurer. The budget so certified shall be printed, mimeographed or otherwise reproduced and sufficient copies shall be made available for the use of all offices, departments, agencies and board and for the use of interested persons.

AMENDMENT NO. 28: That Section 39, Article IV, of the Charter of the City of Abilene, be amended by adding thereto Section 39b, to read as follows:

After adoption of the ordinance the Board of Commissioners shall appropriate money to purposes other than those provided in the budget and in sums larger than those appropriated in the budget for each purpose only in cases of emergency, except that

such ordinance shall be adopted by the favorable votes of not less than four of the members of the Board of Commissioners.

AMENDMENT NO.29: That Section 39, Article ~~III~~ IV of the Charter of the City of Abilene, be amended by adding thereto Section 39c, to read as follows:

From the effective date of the budget, the several amounts stated therein as proposed expenditures, shall be and become appropriated to the several objects and purposes therein named.

AMENDMENT NO.30: That Section 40, Article IV, of the Charter of the City of Abilene be amended hereafter to read as follows:

The Board of Commissioners shall have control of the finances of the city, except as otherwise in this Charter provided for the public schools of the city and for the Park and Public Recreation department.

AMENDMENT NO.31: That Section 40, Article IV, of the Charter of the City of Abilene, be amended by adding thereto Section 40a, to read as follows:

The Board of Commissioners shall provide for payment of the debts and expenses of said city, provided that no debt shall ever be created by said city unless at the same time provisions be made to assess and collect annually a sufficient sum to pay the interest and create a sinking fund of at least two percent per annum thereon to provide by ordinance for payment of any existing and outstanding bonded indebtedness, subject to the terms thereof, and provide for the payment of any bonds that may from time to time be issued, and shall for such purposes have the ~~power~~ power to levy and collect a special tax for payment thereof.

The Board of Commissioners ~~also~~ shall also have the power to fund or refund by ordinance the whole or any part of the bonded debts of said city by acquiring and cancelling the evidence of same, and to issue bonds in lieu thereof without submitting the same to a vote as provided for bond election, bearing interest not to exceed five per cent per annum, and to this end may pay and retire any bonds by using the sinking fund thereof.

AMENDMENT NO.32: That Article IV of the Charter of the City of Abilene be amended by adding thereto Section 41a, to read as follows:

Before any land owned by the City of Abilene may be sold the

Board of Commissioners shall cause to be published in a daily newspaper of general circulation in the City of Abilene a notice of the time and place at which a public hearing will be held at which all interested persons shall be given an opportunity to be heard in support of or in opposition to such proposed sale, such notice to be published not less than ten days before the time and place of such public hearing.

AMENDMENT NO.33: That Article IV of the Charter of the City of Abilene be amended by adding thereto Section 41b, to read as follows:

Before any contract is executed for the leasing of any land owned by the City of Abilene, the Board of Commissioners shall receive sealed bids for lease thereof and such sealed bids shall be opened at a meeting of said Board at a time and place which shall be made known at least 14 days prior to opening of such bids by publication of a notice in a daily newspaper of general circulation in the City of Abilene, and each piece of land shall be leased to the bidder presenting the highest ~~offer~~ bid for lease of each such piece of land; provided this provision shall not apply to the leasing of lots on the shore of Lake Fort Phantom

AMENDMENT NO.34: That Section 42, Article V, of the Charter of the City of Abilene, be amended hereafter to read as follows:

There are hereby created by this Charter, the following appointive offices of the City of Abilene, Texas, to-wit: a City Manager, A Chief of Police, a Corporation Counsel, a City Engineer, a City ^{Secretary} ~~Treasurer~~, an Assessor and Collector of Taxes, a City Health Officer, a City Treasurer, a Judge of the Corporation Court, a Chief of the Fire Department, a Fire Marshal, and such other offices and officers as the Board of Commissioners may from time to time establish with the right and power to select the incumbent thereof, and to prescribe the duties and powers of same. It is especially provided that the officers made appointive hereby, except the Judge of the Corporation Court and the Corporation Counsel, shall hold their offices at the will and pleasure of the Board of Commissioners, provided that no officer shall be removed from office without due notice to and a hearing as ~~here~~ hereafter provided. By the word officer is meant one filling an office as created by this charter, or by ordinance duly passed, as contradistinguished from an employee. The salaries

of all appointive officers herein authorized and all those that may be authorized shall be fixed by the Board of Commissioners, except where specifically fixed by this Charter.

AMENDMENT NO. 35: That Section 42, Article V, of the Charter of the City of Abilene, be amended by adding thereto Section 42a, to read as follows:

The Board of Commissioners shall, within 90 days after the adoption of this section of this Charter, appoint a City Manager who shall be the chief administrator of the city's business, and shall serve at the will and pleasure of the Board of Commissioners which Board shall be responsible for the efficient administration of the city's affairs by the City Manager. The City Manager shall be chosen solely upon the basis of his executive and administrative qualifications with special reference to his experience as a City Manager.

AMENDMENT NO. 36: That Section 43, Article V, of the Charter of the City of Abilene, be amended hereafter to read as follows:

(The City Manager shall, at the second regular meeting in April of each year, or as soon thereafter as practicable, and as often thereafter as may be necessary, recommend to the Board of Commissioners persons for appointment to the offices created or authorized to be created by terms of Section 40, Article IV of this charter, except that the City Manager shall not recommend appointment of the person to fill the offices of City Manager, Chief of Police, Corporation counsel and the Judge of the Corporation Court, which shall be filled by appointment by majority vote of the members of the Board of Commissioners. If the Board of Commissioners shall elect to approve such appointees as recommended by the City Manager, it shall do so by majority vote of its members entered upon the minutes for each officer so appointed. In any case where a recommendation of a person as appointee to any such a pointive office is not approved by the Board of Commissioners the City Manager shall make additional recommendation or recommendations until such office is filled. With the advice of the City Manager, the Board of Commissioners may adopt as an ordinance the qualifications that must be met by each person before he may become eligible for appointment to any appointive office by recommendation of the City Manager which may include the

subject matter of examinations to be given applicants for such recommendations, except where such qualifications are specifically prescribed by terms of this Charter.

AMENDMENT NO. 37: That Section 43, Article V, of the Charter of the City of Abilene be amended by adding thereto Section 43~~a~~ to read as follows:

The City Manager shall be responsible for the administration of the business affairs of the Police department, but he shall have no authority to enforce the laws of the City or the penal laws of the State, such authority being vested wholly in the Board of Commissioners acting through the Chief of Police.

AMENDMENT NO. 38: That Section 43, Article V, of the Charter of the City of Abilene be amended by adding thereto Section 43~~b~~ to read as follows:

The City Manager shall have the authority himself, or through the heads of the various departments of the city, to hire all employees of the city, as contradistinguished from appointive officers, except ~~those~~ employees of the Park and Public Recreation department, the Abilene Independent School district and the Police department, and the salaries ~~or~~ or wages of all such employees shall be fixed by the Board of Commissioners.

AMENDMENT NO. 39: That Section 47, Article VI, of the Charter of the City of Abilene, be stricken out of this charter.

AMENDMENT NO. 40: That Section 52, Article VI, of the Charter of the City of Abilene be amended by striking out the words "not exceeding twelve hundred dollars per annum."

AMENDMENT NO. 41: That Section 56, Article VII, of the Charter of the City of Abilene, be amended hereafter to read as follows:

The City of Abilene shall be and constitute an Independent School District to be known as the Abilene Independent School District. Said Independent School District shall be governed by the same rules and regulations as now provided for Independent School District under the general law, except where herein otherwise provided. The Board of Commissioners when ordering a general election to be held on the first Tuesday in April 1947 shall order an election for the selection of seven members of the Board of Trustees, three of whom shall be

elected for a period of one year, two of whom shall be elected for a period of two years, and two of whom shall be elected for a period of three years, or until their successors shall have been elected and qualified, and at each successive interval of one year thereafter when a general election is called by the Board of Commissioners there shall be called an election to select members of the Board of Trustees to succeed those trustees whose terms of office expire at each successive interval of one year, and trustees elected at each such successive interval of one year shall serve for a period of three years or until their successors shall have been elected and qualified. Said board of trustees created by this Charter shall succeed to and be vested with all powers, duties and obligations and rights now provided by general law or that hereafter may be provided. It is

especially provided by terms of this Charter that the Treasurer of the City of Abilene shall be ex-officio treasurer of said Board, and that title to all real property, school buildings, fixtures, furniture, etc., shall be vested in the City of Abilene instead of the Board of Trustees. The Board of Trustees shall have the exclusive management and control of all the schools and of said city, except that the exclusive authority to contract for, purchase, lease, erect and construct all needed school buildings, and to acquire all sites, and the power and authority to issue bonds of said city in payment thereof shall be vested in the Board of Commissioners.

AMENDMENT NO. 42: That Subdivision cc, Section 59, Article VIII of the Charter of the City of Abilene be amended by striking out the words "of not to exceed six hundred dollars per annum."

AMENDMENT NO. 43: That Subdivision F, Section 59, Article VIII, of the Charter of the City of Abilene, be amended by adding thereto Subdivision F-16, to read as follows:

All land now used or designated for use as a Public park or public recreation area regardless of how it may have been acquired by the city shall never be removed from the Park and Public Recreation system nor shall it ever be designated or used for any other purpose except by consent of two-thirds of the members of the Park and Public Recreation Board and also by consent of two-thirds of the members of the Board of Commissioners, or by two-thirds of the voters casting ballots in an election called by the Board of Commissioners.)

ARTICLE NO. 44: That Subdivision F-8, of Subdivision F of Section 59, Article VIII, of the Charter of the City of Abilene be amended hereafter to read as follows:

The City Treasurer shall prescribe for the use of said Board all forms for keeping of 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 office of the City Treasurer.)

AMENDMENT NO. 45: That Subdivision F-15 of Subdivision F of Section 59, Article VIII of the Charter of the City of Abilene, be amended ~~to be~~ hereafter to read as follows:

The City Manager shall perform the same functions under the direction of the Park and Public Recreation Board in the administration of the business of the Park and Recreation department as he is authorized to perform in the administration of the business of other departments of the city, provided that his actions under direction of said board shall not conflict with the powers and authority vested in said board by this Charter.

AMENDMENT NO 46: That Section 90, Article XI, of the Charter of the City of Abilene, be amended hereafter to read as follows:

There shall be a Chief of Police of the City of Abilene who shall be appointed by the Board of Commissioners at its first regular meeting after the first Tuesday in April 1947, or as soon thereafter as practicable, and who shall be appointed at each successive interval of one year thereafter, and shall be responsible to the Board of Commissioners for the efficient enforcement of all of the laws of the city and the penal laws of this state and for the control of the employes of the Police department and the department of such employes. The chief of Police shall be appointed upon the basis of his training and experience in all phases of law enforcement work. He may or may not be a resident of the City of Abilene when appointed but he shall establish his domicile in the city as soon as thereafter as practicable. He shall receive such salary as may be prescribed by the Board of Commissioners and shall execute a bond to said city in the sum of two thousand dollars, with one or more good securities, to be approved by the Board of Commissioners conditioned upon his faithful performance of his duties. The Chief of Police shall have the authority when he

deems it necessary, in order to enforce the laws of the city, or to avert danger, or to protect life and property, in case of riot or any outbreak or calamity or public disturbance, or when he has any reason to fear any serious violation of the law and order or any other danger to said city, or the inhabitants thereof, to summons into service, as special police force, all or as many citizens as in his discretion may be necessary and proper which said summons may be in written commission or by personal notification and such special police while in service shall be subject to the order of the Chief of Police, and shall perform such duties as he may require, and they shall have the same power while on duty as regular policeman of said city; and any person so summoned and failing to obey, or appearing and failing to perform any duty that may be required by this Charter shall be fined in any sum not exceeding two hundred dollars. The Chief of Police, or any Police of said city shall have the authority in case of any riot, or any unlawful assemblage, with a view to preserve order of said city, to order and summarily close temporarily any theater, grogshop, barroom, saloon, or any other place or resort or public room or building in which such riot or unlawful assemblage occurs. The Chief of Police shall in person or by deputy attend upon corporation court when the same is in session and shall promptly and faithfully execute all writs and processes issued by the said court. In addition to the powers and duties provided by this Charter, he shall have all of the powers and duties conferred by general law on city marshalls. The Board of Commissioners may adopt as an ordinance the qualifications that must be met by each person before he is employed in the Police Department which may include the subject matter of examinations to be given applicants to qualify or disqualify them for such employment.

AMENDMENT NO. 47: That Section 136 (as amended), Article XIII, of the Charter of the City of Abilene, be amended hereafter to read as follows:

The Board of Commissioners of the City of Abilene shall have the power, and the same is hereby authorized, to annually levy and collect for general and all municipal purposes and for the purpose of paying the interest and creating a sinking fund for all outstanding and future bonded indebtedness of the city of Abilene an

ad valorem tax on all the property within the territorial limits of the said city not exempt from taxation under the laws and constitution of the State of Texas not to exceed the sum of two and 50/100 (\$2.50) dollars on the one hundred dollars assessed valuation of said property, exclusive of school taxes. The Board of Commissioners is hereby authorized annually to levy and collect for the support and maintenance of the public free schools within said city, and for the purpose of paying the interest and creating the sinking fund on bonds for school buildings and sites that may hereafter be issued such taxes as it is now authorized by this charter or that may hereafter be authorized to levy by a vote of a majority of the property tax-paying voters casting ballots in an election.

AMENDMENT NO. 48: RECALL OF OFFICERS: That there be added to the Charter of the City of Abilene Article XIV, to read as follows:

~~ARTICLE XIV:~~ *ARTICLE XIV*
 RECALL OF ELECTIVE OFFICERS (AMENDMENT 48)

Section No. 1: SCOPE OF RECALL: The Mayor or any Commissioner whether elected to office by the qualified electors of the city or elected by said board to fill a vacancy, shall be subject to recall and removal from office by the qualified electors of the city as in this charter provided.

Section No. 2: PETITIONS FOR RECALL: Before the question of recall of the mayor or any commissioner shall be submitted to the qualified electors of the city, a petition demanding such question to be submitted shall first be filed with the person performing the duties of City Secretary, which said petition shall be signed by at least thirty percent of the qualified voters of the city, to be determined by the latest poll tax list of said city, or the latest legal and official list of electors of said city qualified under terms of any law of this state that has been enacted or shall ever be enacted governing the qualifications of electors. Each signer of such recall petition shall personally sign his name thereto in ink or indelible pencil, and shall write after his name his place of residence, giving name of street and number, and shall also write thereon the day of the month and year his signature was affixed.

Section No. 3: FORM OF RECALL: The recall petition mentioned above must be addressed to the Board of Commissioners of the City of Abilene and must distinctly and specifically point out the ground or grounds upon which such petition for removal is predicated, and if there be more than one ground, such as for incompetency, misconduct, or malfeasance in office, shall specifically state each ground with such certainty as to give the officer sought to be removed notice of the matters and things with which he is charged. Said petition shall be signed by the requisite number of qualified electors as provided in Section 2 of this Article. The signatures shall be verified by oath in the following form:

State of Texas
County of Taylor
"I.....being first duly sworn on oath depose and say that I am one of the signers of the above petition: that the statements made therein are true, and that each signature appearing thereto is the signature it purports to be and was affixed thereto upon the date each purports to have been made and I solemnly swear that the same is the genuine signature of the person it purports to be.

Sworn and subscribed to before me this.....
day of..... 19.....
Notary Public, in and for Taylor County, Texas.

Section 4 -- VARIOUS PAPERS CONSTITUTING PETITION: The petition may consist of one or more pieces of paper circulated separately and the signature thereto may be upon the paper or papers containing the form of petition, or upon other papers attached thereto. Verification provided for in the next preceding section of this Article may be filed separately and by different persons, and the several parts of the petition may be filed separately

and by different persons, but no signature to such petition shall remain effective or be counted which were placed thereon more than thirty days prior to the filing of such petition or petitions with the person performing the duties of City Secretary. All papers and documents comprising a single petition, that is, all papers comprising a recall petition, shall be filed with the person performing the duties of City Secretary on the same day, and said clerk shall immediately notify in writing the officer sought to be removed.

Section 5: CERTIFICATE TO PETITION: Within two days after the date of the filing of the papers constituting the recall petition, the person performing the duties of City Secretary shall certify to the Board of Commissioners the number of qualified voters within the City of Abilene, as shown by the latest poll tax list of said city, or the latest legal and official list of all electors of said city qualified under terms of any law of this state that has been enacted or shall ever be enacted governing the qualifications of electors, and shall further certify the number of qualified voters signing said petition, and shall present such petition and his certificate thereto to said board.

Section 6: ELECTION TO BE CALLED: If the Mayor or Commissioner whose removal is sought does not resign with five days after such recall petition shall have been duly certified to the Board of Commissioners, as provided in the next preceding section of this Article, then it shall become the duty of said Board of Commissioners to order an election and fix a date for holding such recall election, and the date of which election shall not be less than fifteen nor more than thirty days from the time such petition was presented to the Board of Commissioners.

Section 7: RECALL ELECTION, FORM OF BALLOT: The form of ballot to be used at such recall election shall be as follows:

"SHALL (name of person) BE REMOVED FROM THE OFFICE
OF _____ BY RECALL?"

Immediately following the above question there shall be provided by the ballot, in separate lines, in the order here set out, the words:

"For the Recall of (Name of Person)."

"Against the Recall of (Name of the Person)."

Should more than a majority of two-thirds of the votes cast

at such recall election be for the recall of the mayor or such commissioners named on the ballot, he shall, regardless of any technical defects in the recall petition, be deemed removed from office. Should less than a majority of two thirds of the votes cast at such recall election, however, be against the recall of the officer named on the ballot, the mayor or such commissioner shall continue in office for the remainder of his term, subject to recall as before.

Section No. 8: RECALL, RESTRICTIONS THEREON: No recall petition shall be filed against the mayor or any commissioner of the Board of Commissioners of the City of Abilene within three months after his election for such officer's recall.

Section 9: BOARD OF COMMISSIONERS, FAILURE TO CALL AN ELECTION: In case all of the requirements of this charter shall have been met and the Board of Commissioners shall fail or refuse to receive the recall petition, or order such recall election, or discharge any other duties imposed upon said board by the provisions of this charter with reference to such recall, then the county judge of Taylor County, Texas, shall discharge any of such duties herein provided to be discharged by the Board of Commissioners.

Section 10: THE MAYOR ONLY OR ONE OR MORE COMMISSIONERS MAY BE RECALLED SAME ELECTION: The mayor or one or more commissioners may be recalled at the same election, and if, in such recall election, there shall as a result of such election, remain the mayor or one or more commissioner, who is not recalled, then such mayor or commissioner not recalled shall discharge all of the duties incumbent upon the governing body of said city until the vacancy or vacancies created at such recall election are filled by an election for that purpose, but if in any proposed recall election it is proposed and submitted to recall all the members constituting said Board of Commissioners, then there shall be placed on said ballot under the question of recall, the names of candidates to fill the vacancies proposed to be created by such election, but the names of the mayor and of such commissioners proposed to be recalled, shall not appear on the ballot as candidate.

Section 11: VACANCIES IN BOARD, DUE TO RECALL, HOW FILLED: If at any recall election it is not proposed and submitted to recall all of the members constituting said Board of Commissioners, but only one or more and fewer than all, and such election shall result in favor of the recall of one or more of said commissioners, proposed to be recalled, then it shall be the duty of the remaining commissioners not recalled and constituting the governing body of the city, within five days after such election is held, to meet, canvass the returns, declare the result of the election and on the same date order an election to fill such vacancy or vacancies, which election shall be held within not less than ten nor more than twenty days after the same shall have been ordered. No vacancy caused by recall shall be filled by the Board of Commissioners.

AMENDMENT NO. 49: That Section 42, Article V, of the Charter of the City of Abilene, be and the same is hereby amended by adding thereto Section 42b to read as follows: "There is hereby created the office of City Juvenile Officer of said City, such officer to be appointed as other officers, and to qualify as other appointive officers as provided in Article IV, Section 44 of the charter of said City, and to hold his office as is provided in Section 42 of said Charter. Such officer shall have the powers and duties as are vested in Juvenile Officers by the provisions of Article 5142, Revised Civil Statutes or other general laws of this state, and he shall work in cooperation with the Juvenile Officer of Taylor County, Texas, and the Judge of the Juvenile Court of said County. His salary shall be not less than \$175.00 per month and in addition thereto, said City shall furnish him an automobile for use in performing his duties, said automobile shall be equipped with a two way radio for conveying and receiving messages to the local police department and the expenses for the use of said automobile shall be paid by said City."

Section No. 2: That all laws and parts of laws in conflict with such of these amendments as are adopted are hereby expressly repealed.

Section No. 3: That these amendments shall be submitted to the qualified voters of the City of Abilene at a special election to be called for such purpose to be held on the 27th day of Aug, 1946, and that all persons whose names appear upon the latest poll tax list of the city and also each person who is qualified by terms of any special law passed by the Legislature of the State of Texas to vote in the year 1946 without payment of a poll tax for that year, shall be allowed to vote in said special election. It is further directed that the City Secretary mail a copy of these proposed amendments to each qualified voter within the City of Abilene as appears from the latest poll tax list of Taylor County for the year 1946.

Section 4: The form of ballot to be used in said election shall be as follows:

OFFICIAL BALLOT ON PROPOSED CHARTER AMENDMENTS

(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 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. 1 to 49 inclusive, followed by the same form of answers.

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 5: There shall also be submitted at said election the proposition as to whether or not the public schools of said City shall be divorced from municipal control as is provided in Article 2783a of the Revised Civil Statutes of Texas and the form of ballot to be used for said purpose shall be as follows:

OFFICIAL BALLOT ON DIVORCEMENT OF PUBLIC SCHOOLS FROM MUNICIPAL CONTROL.

FOR the Separation of the Public Schools from Municipal Control.

AGAINST the Separation of the Public Schools from Municipal Control.

(INSTRUCTIONS TO VOTERS. Those who desire to vote for separation of said Schools from Municipal Control shall erase with black pencil or ink by running a line or lines through the entire sentence beginning with the word "AGAINST" and those who desire to vote against such separation shall so erase the entire sentence beginning with the word "FOR".)

Section 6. Said election shall be held in the election precincts of said city heretofore prescribed by ordinance and at the voting places herein designated, and the following officers are hereby appointed to hold said election in said precincts, towit;

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

Z. D. Hailey, Presiding Judge; Mrs. W. A. Jennings, Assistant Judge; Mrs. T. A. Plowman, Clerk; and W. I. Jay, Clerk.

Said precinct is 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 RR; Thence East with said RR to the place of beginning.

PRECINCT NO. 2. VOTING PLACE, FIRE STATION AT 5TH & BUTTERNUT STREETS.

N. W. Bradshaw, Presiding Judge; Mrs. D. C. Clark, Assistant Judge; Mr. D. C. Clark, Clerk; Miss Zelma Key, Clerk.

Said precinct is bounded as follows: Commencing at a point on the T & P RR 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 RR; Thence East with said RR to the place of beginning.

PRECINCT NO. 3. VOTING PLACE, SUPPER CLUB, FAIR PARK.

Mrs. Martin Metzger, Presiding Judge; Roy Johnson, Assistant Judge; Dan A Gallagher, Clerk; Mrs. Arthur Harker, Clerk.

Said precinct is bounded as follows: Commencing at a point on the T & P RR directly North of the center line of Amarillo Street; Thence South following the center line of said street to the City Limits; Thence West with said City Limits line following same with its meanderings to the Southwest corner of said City Limits. Thence Northward with said City Limits with its meanderings to the T & P RR; Thence East with said RR to the place of beginning.

All qualified voters residing in that territory which was added to said City of Abilene by an ordinance connecting certain portions of McMurry College area, passed on May 31, 1946,

recorded in Ordinance Book No. 4, Page 421, who desire to vote at said election, shall vote in said Precinct No. 3.

PRECINCT NO. 4. VOTING PLACE, SHELTON-WEBB MOTOR CO.
NORTH FIRST AND ORANGE STREETS.

H. J. Hanks, Presiding Judge; E. V. Sellers, Assistant Judge; Mrs. E. E. Hollingshead, Clerk; and J. H. Bratton, Clerk.

Said precinct is bounded as follows: Commencing at a point on the T & P RR directly South of the center line of Hickory Street; Thence North with the center line of Hickory Street to a point where same intersects City Limits; Thence West with said City Limits following same with its meanderings to the Northwest corner of said City Limits; Thence South with said City Limits with its meanderings to the T & P RR; Thence East with said RR to place of beginning.

PRECINCT NO. 5. VOTING PLACE, CENTRAL FIRE STATION,
NORTH FOURTH AND CEDAR STREETS.

P. A. Mayfield, Presiding Judge; Mrs. C. L. Blankenship, Assistant Judge; Mrs. Boyd Harvey, Clerk; Mrs. L. A. Lacy, Clerk.

Said precinct is bounded as follows: Commencing with intersection of East City Limits with the T & P RR; Thence North with said City Limits following same with its meanderings to a point where same intersects center line of Hickory Street; Thence South with the center line of Hickory Street to the T & P RR; Thence East with T & P RR to a place of beginning.

Section 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 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 said ordinance in the Abilene Reporter-News, a newspaper of general circulation published in said City, one time and the Mayor's proclamation and notice, referring to said ordinance and the publication thereof for identification of said amendments, shall be published in said newspaper for two consecutive weeks thereafter. The first publication shall contain said ordinance in full, shall not be less than thirty days prior to said election; and said publications shall be deemed sufficient notice of said election.


Section 9: 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 after the canvass of the returns, and the declaration of the results thereof by the Board of Commissioners unless otherwise provided therein; and those amendments that fail to receive the approval of a majority of the voters, shall be of no force and effect.

Section 10: Due to the fact that the public schools of the City of Abilene are greatly in need of additional funds, and an amendment to be voted upon in this election would make possible the raising of the annual tax levied for the support and maintenance of said schools, there is created an emergency requiring the suspension of Section 32 of the Charter requiring ordinances to be read on two separate meetings, and the same is here and now suspended and this ordinance passed on the second and final reading, and shall take effect from and after its passage.


Passed on its first, second and final reading this 19th day of July, A. D. 1946, all commissioners voting "aye".

ATTEST:


Mayor of the City of Abilene, Texas.


City Secretary

Approved as to form before passage:


Corporation Counsel