

what was formerly Alder Street a distance of One hundred seven and fifty-nine hundredths (107.59) feet to the intersection of what was the east line of former Alder Street with the north line of Garland Alley; THENCE west along the north line of Garland Alley a distance of Thirty-three and four-tenths (33.4) feet to the intersection of the west line of what was formerly Alder Street with the north line of Garland Alley; THENCE north along what was the west line of former Alder Street ; distance of One hundred seven and seventy-six hundredths (107.76) feet ,more or less to a point in the south line of Santos Street; THENCE east along the north line of Santos Street a distance of Thirty-three and four-tenths (33.4) feet to the place of beginning.

## TRACT NO. 3

East portion of lot 27, New City Block 1024, according to Block Map in the office of the City Assessor of the City of San Antonio, and shown on Block Map of the County Assessor of Bexar County, Texas, as the east part of lot 23 in said block, and being more particularly described as follows, to-wit:

BEGINNING at the intersection of the south line of Santos Street with the east line of what was formerly Alder Street in said City; THENCE south along the east line of what was formerly Alder Street a distance of One hundred seven and fifty-nine hundredths (107.59) feet, more or less, to the intersection of the east line of what was formerly Alder Street with the north line of Garland Alley; THENCE east along the north line of Garland Alley a distance of Seventy and fifty-two hundredths (70.52) feet, more or less, to the southeast corner of said City Block One Thousand Twenty-four (1024); THENCE in a northwesterly direction along the northeast boundary line of said City Block One Thousand Twenty-four (1024) a distance of One hundred twenty-one and seventy-nine hundredths (121.79) feet more or less, to the south line of Santos Street; THENCE west along the south line of Santos Street a distance of Seventeen and twenty-eight hundredths (17.28) feet, more or less, to the place of beginning.

PASSED AND APPROVED this 31st day of October, A. D. 1940.

Maury Maverick  
Mayor

Attest: E. L. Fries  
Ass't City Clerk

Approved as to Form:

James H. Graves  
Local General Counsel

Approved as to Form:

J. I. Kercheville  
City Attorney

AN ORDINANCE (2513) *OJ-148*

AN ORDINANCE EXTENDING FOR A PERIOD OF TWENTY-FIVE (25) YEARS FROM THE DATE HEREOF, UNTO THE SAN ANTONIO BELT & TERMINAL RAILWAY COMPANY, ALL OF THE RIGHTS, PRIVILEGES AND FRANCHISES HERETOFORE GRANTED BY THE CITY OF SAN ANTONIO UNTO THE SAID SAN ANTONIO BELT & TERMINAL RAILWAY COMPANY, TO CONSTRUCT, MAINTAIN AND OPERATE CERTAIN RAILROAD TRACKS AND APPURTENANT FACILITIES WITHIN THE CITY OF SAN ANTONIO, UPON, ALONG AND ACROSS THE SAN ANTONIO RIVER AND VARIOUS STREETS, AVENUES AND ALLEYS OF THE CITY OF SAN ANTONIO, AS NAMED IN THE ORDINANCES MAKING SUCH GRANTS TO SUCH COMPANY. THE PURPOSE OF THIS ORDINANCE BEING TO GRANT AND EXTEND FOR A PERIOD OF TWENTY-FIVE (25) YEARS FROM THIS DATE UNTO THE SAN ANTONIO BELT & TERMINAL RAILWAY COMPANY THE PRIVILEGES HERETOFORE GRANTED TO IT BY TWO SEPARATE ORDINANCES HEREINBELOW REFERRED TO, SO THAT IT MAY BRING THE GRANTS CONTAINED UNDER THE SAID ORDINANCES HEREIN MENTIONED UNDER ONE ORDINANCE, ALL OF SAID TRACKS BEING NOW USED AND OPERATED BY THE MISSOURI-KANSAS-TEXAS RAILROAD COMPANY OF TEXAS, AS LESSEE OF THE SAID SAN ANTONIO BELT & TERMINAL RAILWAY COMPANY AS PARTS OF ITS MAIN LINES, SIDE TRACKS, SWITCHING, INDUSTRIAL AND TERMINAL FACILITIES, IN THE CITY OF SAN ANTONIO, TEXAS.

## SECTION 1.

WHEREAS, the San Antonio Belt & Terminal Railway Company, acting under authority granted it by the City Council of the City of San Antonio through ordinances dated the 13th day of May, 1915 and the 25th day of September, 1916, has constructed as therein required, its certain main line tracks, together with necessary turnouts, side, switching and industrial tracks, terminal facilities and telephone and telegraph lines therein referred to, in the City of San Antonio, all of which are now being operated by the Missouri-Kansas-Texas Railroad Company of Texas, Lessee of the San Antonio Belt & Terminal Railway Company; and

WHEREAS, the ordinance first above referred to did, under the terms and provisions thereof, expire on the 12th day of May, 1940, and the ordinance last above referred to will, under the terms and provisions thereof, expire on the 24th day of September, 1941, and it is necessary in the public interest and for the public benefit, that the privileges and franchises granted in said ordinances be extended for a period of twenty-five (25) years from the effective date of this ordinance; and

WHEREAS, the said San Antonio Belt & Terminal Railway Company has made application to the City Council of the City of San Antonio for an extension of both of said ordinances hereinabove referred to;

THEREFORE:

## SECTION 2.

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

That the ordinance adopted by the City of San Antonio, approved by the Mayor of said City as of the 13th day of May, 1915, and entitled:

AN ORDINANCE CLOSING AND VACATING A CERTAIN PART OF LACHAPPELLE STREET AND OTHER STREETS OF THE CITY OF SAN ANTONIO AND GRANTING THE SAN ANTONIO BELT & TERMINAL RAILWAY COMPANY THE RIGHT TO CONSTRUCT, MAINTAIN AND OPERATE A DOUBLE TRACK, STANDARD GAUGE RAILROAD, INCLUDING THE NECESSARY TURNOUTS, SIDE TRACKS, SWITCHES AND TELEPHONE AND TELEGRAPH LINES, ON AND OVER THE PORTIONS OF SUCH STREETS SO VACATED, AND THE FURTHER RIGHT TO CONSTRUCT, MAINTAIN AND OPERATE A DOUBLE TRACK, STANDARD GAUGE RAILROAD, INCLUDING THE NECESSARY TURNOUTS, SIDE TRACKS, SWITCHES AND TELEPHONE AND TELEGRAPH LINES OVER AND ACROSS PROBANDT STREET,

APPLEWHITE STREET, SOUTH FLORES STREET, NOGALITOS STREET, CEVELLOS STREET, HERFF STREET, AND OTHER STREETS BETWEEN SAID HERFF STREET AND THE SOUTH LINE OF DOLOROSA STREET, AND ALSO THE RIGHT TO CONSTRUCT, MAINTAIN AND OPERATE A SPUR TRACK ACROSS FURNISH AVENUE, ALL IN THE CITY OF SAN ANTONIO, AND PRESCRIBING THE TERM, CONSIDERATION AND CONDITIONS OF AND FOR SUCH GRANT.

be and the same is hereby renewed and extended for a full period of twenty-five (25) years from the date of the approval of this ordinance, hereby giving and granting to the said San Antonio Belt & Terminal Railway Company for the period of said extension, all of the rights, privileges and franchises granted and conferred on it in said original ordinance, this extension being upon and subject to all of the terms, conditions, obligations, restrictions and penalties contained herein.

#### SECTION 3.

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

That the ordinance adopted by the City of San Antonio and approved by the Mayor of said City as of the 25th day of September, 1916, and entitled:

#### AN ORDINANCE

GRANTING TO THE SAN ANTONIO BELT & TERMINAL RAILWAY COMPANY THE RIGHT TO CONSTRUCT, MAINTAIN AND OPERATE A DOUBLE TRACK, STANDARD GAUGE RAILROAD, INCLUDING THE NECESSARY TURNOUTS, SIDE TRACKS, SWITCHES AND TELEPHONE AND TELEGRAPH LINE, OVER AND ACROSS THE SAN ANTONIO RIVER, ROOSEVELT AVENUE, HUSTOCK AVENUE, SOUTH PRESA STREET, PLUM STREET, HACKBERRY STREET, OLIVE STREET, PINE STREET, MARYLAND AVENUE, PALMETTO AVENUE, SKINNER AVENUE, NEW BRAUNFELS AVENUE, WASHINGTON AVENUE, GEVERS STREET, MITTMAN STREET, SOUTH WALTERS STREET, ADELE STREET, WESTFALLS AVENUE, CONCEPCION AVENUE, K STREET, OGDEN AVENUE, J STREET, I STREET AND H STREET, ALL IN THE CITY OF SAN ANTONIO AND PRESCRIBING THE TERM, CONSIDERATION AND CONDITIONS OF AND FOR SUCH GRANT.

be and the same is hereby renewed and extended for a full period of twenty-five (25) years from the date of the approval of this ordinance, hereby giving and granting to the said San Antonio Belt & Terminal Railway Company for the full period of said extension, all of the rights, privileges and franchises heretofore granted and conferred in said original ordinance, this extension being subject to all of the terms, conditions, obligations, restrictions and penalties contained herein.

#### SECTION 4.

Said ordinances hereinabove referred to are renewed and extended, and the rights, privileges and franchises therein granted are hereby renewed and extended, subject to the following terms, provisions and stipulations, the agreement to which as the contract and covenant of the said San Antonio Belt & Terminal Railway Company is the consideration of and condition precedent to the granting of said rights, privileges and franchises by the City, said terms, provisions and stipulations being as follows, to-wit:

(a) The said railroad and its tracks, turnouts, side tracks, switches and crossings shall be at all times maintained to conform to grade lines given or approved by the City Engineer. Where the tracks cross any street or alley at grade, proper crossings and approaches thereto shall be provided, constructed and maintained by the said Railway Company, so as to avoid unnecessarily impairing the usefulness of such street or alley. All poles and fixtures for said telephone and telegraph lines shall be so constructed, installed and maintained as to interfere as little as practicable with the use of the streets, alleys or other public places by the public, and said Railway Company shall remove or change such poles or fixtures from time to time as the Commissioners of the City shall direct, and where the use of poles is or may be prohibited by the City, said Railway Company shall place its telephone and telegraph wires under ground.

(b) The Railway Company shall construct and maintain its roadbed, tracks, switches, turnouts and other appurtenances in such manner as not to interfere with any sewer, drain, conduit, main or pipe for water or gas, or other underground or public utility structure or

appurtenances, or private connections therewith, and in such manner as to permit the full and proper use and service of the same; and should it become necessary or desirable at any time to change or alter any such structures or work in any respect, because of the construction or operation of said railroad or any condition created thereby, such changes or alterations as may be necessary shall be made at the cost and expense of the Railway Company, but no such change, or alteration shall be made by the Railway Company without its first obtaining the consent of the owner of the structure, or an order from the Commissioners of the City.

(c) The City reserves the right hereafter to construct and maintain, or to authorize the construction and maintenance, in any of the streets or other public places herein mentioned, sanitary sewers, storm sewers, oil pipe lines, and water, gas or other underground lines or structures, or service connections therewith, whether owned by the City or other persons; and said City or such other person shall have the right of reasonable ingress and egress at all times necessary for the construction, maintenance, inspection or repair of the same.

(d) The Railway Company shall from time to time, as may be required by proper ordinance or resolution of the Commissioners, provide and maintain such gates, lights, signals watchmen, and other safety devices or measures at places where its tracks cross or pass under or over any street, alley or other public place, as may be reasonably necessary to protect the public in its use of any such street, alley or other public place.

(e) Said Railway Company shall construct and maintain suitable gutters, culverts, drains or storm sewers, for making proper disposition of all the storm water falling on any part of its right of way or any excavation made for the purposes of said railroad, or running or draining into the same from higher ground; so as to prevent such water from accumulating or remaining on said right of way or any street crossed by said railroad; and especially so as to prevent such water from accumulating and remaining, or causing any nuisance, along that part of said railroad where the same is depressed below the surface of the ground; and so as to avoid diverting such water in such manner as to cause same to pass in any enhanced or unnatural volume upon any street or private property.

(f) Said Railway Company shall keep and maintain its right of way and the sides of all its embankments and cuts in a neat and well trimmed condition, and shall keep the same free from weeds, brush, litter, wreckage and debris; and whenever residences shall now or hereafter exist in the proximity of any part of said railroad which is carried on embankments or in shallow cuts, said right of way and the sides of such embankments or cuts shall be parked, or grass or garden plots shall be maintained thereon, and suitable measures shall be provided to prevent unnecessary smoke, dust, cinders and noise resulting from the operation of trains on said railroad; all in such manner as to provide a safe, sanitary and attractive railroad approach into said City; and said Railway Company shall construct fences between all its property lines and its tracks, which fences shall be of such character and specifications as may have the approval of the Commissioner of Parks and Public Property.

(g) Said Railway Company shall indemnify and hold harmless the City of San Antonio and its successors from and against any and all liability, cost, expense, claims or suits of whatsoever character arising or which may arise out of the construction, maintenance or operation of said railroad and its appurtenances, and said Railway Company shall well and truly pay to or on behalf of said City the costs, damages and expense which said City may reasonably incur or be adjudged to pay at any time by reason of any such claim, injury or suit, or alleged injury of or damage to any person, or any property, real or personal, resulting or alleged to result from, or to be in any manner or to any extent occasioned by or incident to

the construction , operation or maintenance of said railroad, or any appurtenances thereto.

(h) Said Railway Company shall well and truly pay and satisfy any and all damages, which may be awarded by final judgment in any court of competent jurisdiction, to owners of any private property situated along or near the line of such railroad, as herein described, arising, or alleged to arise out of the construction, maintenance or operation of said railroad, or any of its appurtenances, and this obligation shall extend to and become binding upon the Missouri-Kansas-Texas Railroad Company of Texas, as Lessee of the said San Antonio Belt & Terminal Railway Company, as herein provided, and all successors, receivers, trustees, lessees or other persons or corporations who may at any time have, acquire or assert any right, title or interest under said Railway Company, or in or to or under the privileges, or franchises herein granted; it being expressly understood and agreed that the said City consents to such uses of said public streets on the condition that the lawful claims, if any, of owners of property damaged as aforesaid, shall not be in any manner postponed or made subject to the claims of any other person, persons or corporations whomsoever.

(i) Notwithstanding anything herein contained and except to the extent of the rights necessarily vested in said Railway Company by reason of the grant of said franchise rights as herein made, said City shall have and retain at all times, in addition to the contractual rights and powers herein give, all rights and powers of regulation which said City is now or may hereafter be authorized to exercise by or under any provision of its charter or any law of this state; and said Commissioners of the City, or any other body or tribunal vested with lawful jurisdiction in the premises, shall at all times hereafte have full right and power further to regulate, to the extent of the laws then in force, the use and enjoyment of said franchise and all rights and things appertaining thereto; and no such rights or powers of said Commissioners of the City or other body or tribunal shall be held to have been waived or abridged by reason of the passage of this ordinance, or by any consent of said City to the use of said streets as aforesaid, or by any specification of particular requirements made in this ordinance; and should any of the conditions or stipulations in this section of this ordinance contained, or any requirements made thereunder, be for any reason held to be unenforceable in any particular; such defect shall not affect any other provision of this section, or any other and lawful application of or requirement under the same provision; and all rights and remedies of the City pertinent to all matters mentioned in this ordinance, whether afforded by law or by contract, shall be held to be cumulative.

(j) The right of operation herein granted shall enure to the benefit of any railroad company that the San Antonio Belt & Terminal Railway Company may permit to operate engines, trains or cars over the said railroad; but any and all railroad companies so operating under any permit so granted by said San Antonio Belt & Terminal Railway Company shall hold and exercise all such rights, subject to all the conditions, provisions and stipulations herein contained and to all rights and regulations by said City as herein reserved.

(k) All the provisions of this ordinance, whether or not herein expressly so provided, shall extend to and become obligatory on any and all persons or corporations to whom said franchise and rights or any part thereof or interest therein, may be in any manner assigned or otherwise in any manner transferred or vested; but no transfer or assignment of said privileges, franchises or extension shall ever be made except as provided in the charter of the said City, and any repudiation, whether by said Railway Company or any successor, lessee, receiver, trustee or other transferee of said franchise rights, of any stipulation, requirement or undertaking herein lawfully made, or any unreasonable failure or refusal to comply promptly therewith, shall work a forfeiture of said franchise and all rights hereunder,

and shall also authorize the Commissioners of said City to repeal this ordinance at any time, whereupon all rights hereunder shall cease and determine.

(1) Within fifteen (15) days after the final reading and passage of this ordinance by the Commissioners of this City, and before any rights hereunder shall vest in said Railway Company, and before this ordinance shall evidence any consent of this City to the use of its streets or public places, as herein provided, the San Antonio Belt & Terminal Railway Company shall file with the City Clerk of the City of San Antonio its written acceptance of the terms, provisions and stipulations of this ordinance in form satisfactory to the Mayor.

SECTION 5.

Upon the passage of this ordinance by the Commissioners and the approval thereof by the Mayor, together with the publication thereof as required by the City charter, and the acceptance thereof by the San Antonio Belt & Terminal Railway Company, as herein required, it shall take effect as herein and by law provided, and the same shall thereafter be in full force and effect,

subject to all of the conditions, stipulations and provisions herein contained.

Read the first time at a regular meeting of the Commissioners of the City of San Antonio held on the 17th day of October, 1940, and ordered published as required by the charter of the City of San Antonio.

PASSED AND APPROVED this the 14th day of November, 1940,

Maury Maverick  
Mayor of the City of San Antonio

Attest: H. L. Dillashaw  
City Clerk

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## AN ORDINANCE (2532) OJ-149

CONVEYING A CERTAIN PARCEL OF LAND TO THE HOUSING AUTHORITY OF THE CITY  
OF SAN ANTONIO, TEXAS.

BE IT ORDAINED by the Commissioners of the City of San Antonio, that,

WHEREAS, there exists between the City of San Antonio and the Housing Authority of the City of San Antonio, Texas, a contract represented by the consolidated cooperation agreement passed and approved October 17, 1940; and

WHEREAS, said cooperation agreement provides for the mutual benefits to inure to each of said principals through the City cooperating in all practical ways with the Authority and the Authority, through such cooperation, thereby developing low-rent public housing projects for low-income families; and

WHEREAS, the City is the owner of a certain parcel of land located within the area of the site of Victoria Courts, a low-rent public housing project being developed by the Authority; and

WHEREAS, it is the desire of the City to cooperate with the said Authority by conveying said parcel of land to said Authority.

NOW, THEREFORE, BE IT ORDAINED BY THE COMMISSIONERS OF THE CITY OF SAN ANTONIO:

That in consideration of the sum of One (\$1.00) Dollar cash in hand paid by the Housing Authority of the City of San Antonio, Texas, and for other valuable consideration in the form of benefits received and to be received, the parcel of land hereinafter described located in San Antonio, Bexar County, Texas, be, and the same is hereby conveyed in fee simple to the Housing Authority of the City of San Antonio, Texas, and that the Mayor is hereby authorized and directed to execute in the name and as the act and deed of the City of San Antonio, and under its official seal, a deed conveying said parcel of land to the Housing Authority of the City of San Antonio, Texas, according to the provisions of this ordinance, said parcel of land being described as follows:

All that certain tract of land forming part of Callaghan Avenue described as beginning at the intersection of the northeast line of said street with the east line of Labor Street, and running thence in a southerly direction along the east line of Labor Street to its intersection with the southwest line of Callaghan Avenue; thence in a southeasterly direction along the southwest line of Callaghan Avenue to its intersection with the west line of New City Block 648; thence in a northerly direction along the west line of New City Block 648 a distance of 38.47 feet to a point in said line; thence in a northwesterly direction in a straight line to the place of beginning; and being the same property designated as Division 1, "Jas. R. Marmion & Wm. Prescott," on plat of the Juana Gamboa suerte recorde in Vol. 4, page 12, Bexar County Deed Records, and being also the same property described as lots 1 to 11, City Block 983, Gamboa, in deed from the Sheriff of Bexar County to the City of San Antonio dated April 8, 1904, recorded in Vol. 231, page 581, Bexar County Deed Records, it being the intention of the City of San Antonio to convey to the Housing Authority of the City of San Antonio, Texas, any and all interest in land it may now own in fee in Callaghan Avenue between east line of Labor Street and west line of New City Block 648 whether included in these field notes or not.

PASSED AND APPROVED this 15th day of November, A. D., 1940.

Maury Maverick  
Mayor

(over next page)

Attest: H. L. Dillashaw  
City Clerk

Approved as to Form:

James R. Graves  
Local General Counsel

Approved as to Form:

J. I. Kercheville  
City Attorney

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AN ORDINANCE (2533) *OJ-150*

ORDERING AN ELECTION TO AMEND THE CHARTER OF THE CITY OF SAN ANTONIO,  
AND TO ADD CERTAIN SECTIONS THERETO.

1. WHEREAS, the Commissioners of the City of San Antonio have decided to submit to the qualified voters of said City certain amendments to the Charter of the City of San Antonio as specified herein; NOW, THEREFORE:

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

2. That an election be had, and the same is ordered to be held, on the 17th day of December, A. D. 1940, in which election the following propositions will be submitted:

3. PROPOSITION ONE

Shall Article I, Section 3; Article I, Section 4; Article I, Section 6; Article I, Section 9; Article I, Section 12, Paragraph 1 to 5, both inclusive, of the existing Charter of the City of San Antonio relating to Municipal Elections be repealed and the following proposition and provisions be enacted and adopted as a part of the Charter of the City of San Antonio:

MUNICIPAL ELECTIONS

Section 3. Municipal Elections. The regular election of members of the city council shall be held on the second Tuesday in April in odd numbered years. The city council may, by resolution, order a special election, fix the time of holding the same, and provide all means for holding such special elections. Provided, however, that the first election under this charter amendment for members of the city council shall be held on the first Tuesday in April, 1941. The existing Board of Commissioners of the City of San Antonio is hereby required to pass all ordinances and to perform all acts necessary and incident to calling and holding an election for members of the city council on the first Tuesday in April, 1941.

Section 4. Regulation of Elections. The city council shall have power to make rules and regulations, not inconsistent with this charter, for the conduct of elections, and for the prevention of frauds in elections.

Section 5. Election of Judges and Clerks and Appointment of Supervisors of Elections.

Paragraph 1: All elections for the election of city officers in the City of San Antonio shall be held by election officers elected in the following manner:

(1) The election officers in all such elections shall be elected by the City Council by ordinance duly adopted in open meeting not less than ten (10) days before an election and shall be qualified voters of said city and of the precinct in which they are to serve.

(2) There shall be elected not more than two (2) judges and two (2) clerks in precincts having less than two hundred (200) qualified voters, and not more than two (2) judges and four (4) clerks in precincts having more than two hundred (200) qualified voters. The number of qualified voters in each precinct and the qualifications of voters for the purposes of this Section shall be determined from the poll tax list prepared by the County Tax Collector of the county in which such city is situated for the year ending January 31st next preceding such election.

(3) Any local political party desiring the appointment of persons as judges and clerks in any such city election shall file with the City Clerk of said city, fifteen (15) days before said election is to be held, one list of prospective judges and clerks, giving the name, street address, and precinct number of each person. Each list shall name not more than five qualified voters of each precinct and shall be signed by three candidates for councilman

of the local party proposing same. Each such list shall be filed with the City Clerk and preserved by the City Clerk for a period of ten (10) years as one of the records of his office, and shall be open at all times for public inspection. The City Council shall elect an equal number of judges and clerks for each precinct from each of said lists so filed by the different political parties so as to give equal representation to each local political party, whenever the number of names submitted by each of the local political parties is sufficient for this purpose. Whenever the number of local political parties is such that an exact division cannot be made of the judges and clerks in each precinct, then equal representation shall be given in all precincts where it is possible and some representation is to be given each party in all other precincts where it is possible, with preference to the parties in the order in which the lists are filed with the city clerk. For the purpose of this Section a "local political party" shall be held to include any three or more candidates for councilman when they are running independently, or on the same ticket, provided that the candidates file with the City Clerk thirty (30) days before the election a petition or petitions signed by five hundred (500) qualified voters endorsing their candidacy. The signatures to such petition need not all be appended to one paper, but each signer shall add to his signature his place of residence, giving street and number. One of the signers of each paper shall make oath before some officer authorized to administer oaths, that each signature to the paper appended is the genuine signature of the person whose name it purports to be, and a copy of such petition when certified to by the City Clerk shall be admissible in evidence in any Court and be prima facie proof that the signatures appearing thereon are genuine signatures of the persons whose names they purport to be. Within five (5) days from the date of filing of such petition, the City Clerk shall examine the same and from the list of qualified voters of the City, heretofore mentioned, ascertain whether or not said petition is signed by the requisite number of qualified voters, and he shall attach to said petition his certificate showing the result of such examination, stating the number of qualified voters found upon said petition, and the number of persons not qualified to vote. In checking said petition the City Clerk shall designate the names of persons found thereon not qualified to vote, with the letters: "D. V." in red ink, opposite such name or names. If, by the Clerk's certificate, the petition is shown to be insufficient, it may be amended within ten (10) days from the date of said certificate. The Clerk shall within five (5) days after such amendment is filed with him, make a like examination and check off the names thereon and if his certificate shall show the same to be insufficient, it shall be returned to the candidate filing the same without prejudice, however, to the filing of a new petition to the same effect, provided the new petition be filed not later than thirty (30) days before the date of the election.

(4) When at any time there has been only one list of prospective judges and clerks filed with the City Clerk by a local political party, or if at any time only one of the lists so filed contains the names of qualified voters residing in a particular precinct, then any forty (40) qualified voters of any such precinct may sign a petition, giving their names, and street addresses, and file same with the City Clerk five (5) days before said election, submitting the names of five (5) qualified voters of said precinct as election officers and the City Council, shall, two (2) days before such election elect one judge and one clerk from the five (5) names so submitted in said petition. The petition shall be sworn to by one of the signers to the effect that all signatures appearing thereon are the signatures of the persons whose names they purport to be and a copy of any such list when certified to by the City Clerk shall be admissible in evidence in any Court and be prima facie proof that the signatures appearing thereon are the genuine signatures of the persons whose names they

purport to be.

(5) If at any time the list or lists of persons filed with the City Clerk fails to name a sufficient number of qualified voters to fill the election offices in any precinct or if those officials elected fail or refuse to serve and there is a vacancy or vacancies after all the qualified voters for the precinct appearing on any of said lists have been elected, then the City Council shall have the power to appoint as a substitute any qualified voter of the particular precinct who shall thereupon serve as an election official in the place of the person who is disqualified or has failed or refused to serve.

Paragraph 2: Any three or more candidates for councilman running independently or on the same ticket may by written petition addressed to the City Council and filed with the City Clerk fifteen (15) days before any such election, request the issuance in blank of credentials for two (2) supervisors for each of the voting precincts in the city and the City Council shall ten (10) days before such election issue to the candidates the number of credentials for supervisors requested in each petition numbered as to precincts and with the name of the supervisor left blank. The candidates to whom such credentials are issued in blank shall have the right as agent for the City Council to insert the name of any duly qualified voter of the precinct for which such credential is issued and deliver such credential to the person named therein and such person shall thereupon be a duly appointed supervisor for such election. The person so appointed shall present such credential to the presiding judge of his precinct on election day and shall take an oath, to be administered by the presiding judge, that he will mention and note any errors he may see in listing or counting the votes and that he will well and truly discharge his duties as supervisor impartially, and will report in writing all violations of the law and irregularities that he may observe to the next grand jury. While the election is being held such supervisors shall be permitted to sit conveniently near the judges and they shall remain in view of the ballot boxes until the vote is counted, and ballot boxes are locked and sealed and safely returned to the City Clerk. It shall be their duty to be present at the marking by the judge of said election of the ballot of any voter not able to mark his own ballot, to see that said ballot is marked in accordance with the wishes of the voter and to see that such ballot is correctly counted. Said supervisors shall not be permitted to enter into any conversation with the judges or clerks regarding the election while it is progressing, except to call the attention of the judges or clerks to any irregularities or violation of the law that he may observe, provided however, that the supervisors shall assist the election officers whenever additional help is necessary for the proper conduct of the election and when they have been requested to do so by the presiding judge. The supervisor appointed under the provisions of this Section shall be compensated by the candidate who delivers him his credentials.

Paragraph 3: Judges and clerks as defined in Paragraph 1 of this section shall be paid Five Dollars (\$5) a day each and Fifty (50) Cents per hour each for any time in excess of a day's work as herein defined. The judge who delivers the returns of election immediately after the votes have been counted shall be paid Two Dollars (\$2) for that service provided he shall make returns of all election supplies used when he makes returns of the election. Twelve (12) working hours shall be considered a day within the meaning of this section. The compensation of judges and clerks shall be paid out of the city treasury. No supervisors shall be paid by the city.

Section 6. Nominations. Any person eligible to be a member of the city council may be nominated for the city council by petition of fifty qualified voters. Each such petition shall be circulated separately on behalf of each proposed candidate for the position of councilman,

and shall be filed with the city clerk not earlier than sixty days, nor less than thirty days prior to the election. Each signer to such petition shall be qualified to vote for the proposed candidate, and with each signature there shall be stated the residence of the signer, giving the street and number or other description sufficient to identify the same, and the number of the voting precinct in which the signer resides.

Nominating petitions shall be in substantially the following form:

We, the undersigned, voters of the City of San Antonio, hereby nominate \_\_\_\_\_, whose residence is \_\_\_\_\_, for the office of Councilman, District No. \_\_\_\_\_, Place No. \_\_\_\_\_, or Councilman at Large, Place \_\_\_\_\_, as the case may be, to be voted for at the election to be held on the \_\_\_\_\_ day of \_\_\_\_\_, and we individually certify that we are qualified to vote for this candidate for the city council.

Name \_\_\_\_\_ Street and No. \_\_\_\_\_ Voting Prec. \_\_\_\_\_

(Space for fifty signatures)

Date of filing \_\_\_\_\_ Filed by \_\_\_\_\_

The city clerk shall take and preserve the name and address of the person by whom each petition is filed. Within ten days after the filing of a nomination petition, the city clerk shall notify the candidate nominated and the person by whom it was filed whether or not the petition has been signed by the required number of qualified voters. If the petition is found insufficient, the city clerk shall return it immediately to the person who filed it, with a statement certifying wherein the petition is insufficient. Within the regular time for filing petitions, a new or supplementary petition may be filed for the same candidate. After a petition has been certified as sufficient by the city clerk, no defect found thereafter in such petition shall ever operate to deprive a person duly elected to membership in the city council from the office to which he was elected.

**Section 7. Ballots.** The places of the different councilmen on the official ballots shall be designated as: Member of Council, District No. 1, Place No. 1; Member of Council, District No. 1, Place No. 2; Member of Council, District No. 2, Place No. 1; Member of Council, District No. 2, Place No. 2; Member of Council, District No. 3, Place No. 1; Member of Council, District No. 3, Place No. 2; Member of Council, District No. 4, Place No. 1; Member of Council, District No. 4, Place No. 2; Member of Council at Large, Place No. 1; Member of Council at Large, Place No. 2; Member of Council at Large, Place No. 3.

The city clerk shall make up the official ballots for each election district from the names presented to him by petition in the manner hereinbefore set out. The ballots for each election district shall bear only the names of the candidates for such election districts, and the names of the candidates at large. The placing of the names of the candidates under each place number shall be determined by lot. The drawing of lots for the placing of the names of each candidate under each place number shall be performed by the city clerk, and all candidates for city council, or representatives designated by such candidates, may be present.

**Section 8. Election Districts.** The city is hereby divided into four election districts, known as Districts 1, 2, 3, and 4. District No. 1 shall comprise all that territory of the city described as follows:

Beginning at the Southwest corner of the present corporate limits of the City:

Thence in a Northerly direction with the West boundary line of said present corporate limits to the center line of West Commerce Street:

Thence East with the center line of West Commerce Street to the point where said street intersects the San Antonio River at Losoya Street:

Thence in a general Southerly direction with and following the meanders of said San Antonio River to the point where said river intersects the south boundary line of the present corporate limits of the city:

Thence in a Westerly direction with said South boundary line to the place of beginning.

Any territory hereafter annexed and located South of said West Commerce Street and Highway No. Ninety (90), and West of said San Antonio River shall become a part of District No. 1 upon annexation.

District No. 2 shall comprise all that territory of the city described as follows:

Beginning at the point where the center line of West Commerce Street intersects the West boundary line of the present corporate limits of the City:

Thence East with the center line of West Commerce Street to the point where said street intersects the San Antonio River at Losoya Street:

Thence in a Northerly and Westerly direction with and following the meanders of said San Antonio River to the point where said river intersects the center line of Navarro Street:

Thence in a Northwesterly direction with the center line of Navarro Street, and crossing Romana Plaza, to the center line of San Pedro Avenue:

Thence in a Northerly direction with the center line of San Pedro Avenue to the point where it intersects the North boundary line of the present corporate limits of the City:

Thence in a Westerly direction with said North boundary line, and following the course of the same as it now exists, to the Northwest corner of the present corporate limits of the City:

Thence in a Southerly direction with the West boundary line of the present corporate limits, and following the course of the same as it now exists, to the place of beginning.

Any territory hereafter annexed and located North of West Commerce Street and Highway No. (90), and West of San Pedro Avenue and Highway No. Sixty-six (66), shall become a part of District No. 2 upon annexation.

District No. 3 shall comprise all that territory of the city described as follows:

Beginning at the Northeast corner of the present corporate limits of the City:

Thence in a Southerly direction with the East boundary line of said present corporate limits to the center line of East Commerce Street:

Thence West with the center line of East Commerce Street to the point where said street intersects the San Antonio River at Losoya Street:

Thence in a Northerly and Westerly direction with and following the meanders of said San Antonio River to the point where said river intersects the center line of Navarro Street:

Thence in a Northwesterly direction with the center line of Navarro Street, and crossing Romana Plaza, to the center line of San Pedro Avenue:

Thence in a Northerly direction with the center line of San Pedro Avenue to the point where it intersects the North boundary line of the present corporate limits of the City:

Thence in an Easterly direction with and following the course of said North boundary line, as it now exists, to the place of beginning.

Any territory hereafter annexed and located North of East Commerce Street and Highway No. Ninety (90), and East of said San Pedro Avenue and Highway No. Sixty-Six (66) shall become a part of District No. 3 upon annexation.

District No. 4 shall comprise all that territory of the city described as follows:

Beginning at the Southeast corner of the present corporate limits of the city:

Thence in a Northerly direction with the East boundary line of said present corporate limits to the center line of East Commerce Street:

Thence West with the center line of East Commerce Street to the point where said street intersects the San Antonio River at Losoya Street:

Thence in a general Southerly direction with and following the meanders of said San Antonio River to the point where said river intersects the South boundary line of the present corporate limits of the City:

Thence in an Easterly direction with said South boundary line to the place of beginning.

Any territory hereafter annexed and located South of said East Commerce Street and Highway No. Ninety (90) and East of said San Antonio River, shall become a part of District No. 4 upon annexation.

Section 9. Who May Vote for the Respective Candidates for City Council. Qualified voters of each election district shall vote only for candidates for places from said election district, and for candidates for places at large.

The qualifications of voters shall be the same as are now and may be hereafter prescribed by the Constitution and laws of the State of Texas.

Section 10. Blank.

Section 11. Number of Votes Necessary to Elect. The candidate for a place on the city council who shall receive a majority of all votes cast for the place for which he is a candidate shall be declared elected to such office. In the event any candidate for any of said places failed to receive a majority of all votes cast for all the candidates for such place, the city council shall, as soon as practicable after the completion of the official count of the ballots cast at the election, issue a call for a second election to be held on the first Tuesday in May; following the issuance of such call, at which second election the two candidates receiving the highest number of votes for any such place in the first election, to which no one was elected by receiving a majority of all votes cast for all candidates for such office, shall again be voted for; provided, however, that in the event any candidate for said places fails to receive a majority of all votes cast for such place at the election held on the first Tuesday in April, 1941, the city council shall, as soon as practicable after the completion of the official count of the ballots cast at the said election held on the first Tuesday in April 1941, issue a call for a second election to be held on the third Tuesday in April, 1941.

The official ballot to be used at the said second election shall be prepared by the city clerk, and the name of no person shall appear thereon unless he was a candidate for the office designated at the first election. The two persons receiving at the first election the greatest and second greatest number of votes cast for candidates for such place at such first election shall be entitled to have their names placed on the official ballot in the order of their standing in the computation of the votes cast for such candidates at the first election.

In the event either of such candidates who received the greatest and second greatest number of votes cast or tied in the first election shall withdraw, die, or become disqualified prior to the second election, the remaining such candidate shall be automatically elected and shall be declared elected by the city council.

In the event of a tie between the two candidates for any office at the second election, such candidates shall appear before the city clerk and determine by lot which of the two shall be deemed elected.

Section 12. Provisions of this Charter Amendment to Stand Effective and Valid. Should any of this charter amendment, or any section, part, sentence, phrase or clause of this charter amendment, for any reason, be held to be inoperative or invalid, or if any exception to or limitation upon any general provision herein contained shall be held to be unconstitutional

or invalid or ineffective, the remainder shall, nevertheless, stand effective and valid as if it had been enacted without the portion held to be unconstitutional or invalid or ineffective.

Provided, however, that the foregoing Proposition One, upon being adopted, shall become operative and effective on June 1, 1941 and not before, as to all Sections included in the foregoing Proposition One with the exception of Section 3, which shall become operative and effective not later than March 1, 1941, on or before which date the existing Board of Commissioners shall call the election provided for in Section 3, to be held on the first Tuesday in April, 1941.

Yes \_\_\_\_\_ No \_\_\_\_\_

4. PROPOSITION TWO

Shall Article I, Section 2, paragraph 2; Article I, Section 2, paragraph 3; Article II, Section 51, of the existing Charter of the City of San Antonio relating to the Powers of the City Council be repealed, and the following Proposition and provisions be enacted and adopted as a part of the Charter of the City of San Antonio:

ARTICLE II.

POWERS OF CITY COUNCIL.

Section 16. Powers of City Council. The city council, consistent with the provisions of this Charter, shall succeed to and shall have power to exercise all the powers given to the Board of Commissioners by any provision of this charter, shall have the care, management, and control of the city, its property, surface and subsurface and waters, and finances, and shall have power to enact, ordain, alter, modify or repeal any and all ordinances not repugnant to this Charter and the Constitution and laws of the State, and shall have power, by ordinances:

Section 17. Power to Alter Bounds and Limits of City.

Paragraph 1. The city council of said City shall have power by ordinance to, from time to time, otherwise fix and change the bounds and limits of said City and provide for the extension thereof and the annexation of additional territory lying adjacent to said City with or without the consent of the territory and inhabitants annexed; upon the introduction of such an ordinance and after it has been amended as desired by said councilmen for final passage it shall be published in some daily newspaper published in the City of San Antonio one time and shall not thereafter be finally passed until at least thirty days have elapsed after said publication, and when said ordinance is finally passed the said territory so annexed shall be within the bounds and limits of said City and a part thereof, and the inhabitants thereof shall be entitled to all the rights and privileges of other citizens of said City, and shall be bound by the acts, ordinance, resolutions and regulations thereof.

Paragraph 2. The City of San Antonio shall also have jurisdiction extending over all property that it may own or hereafter acquire for corporation purposes outside of the limits of said City.

Section 18. Provisions of this Charter Amendment to Stand Effective and Valid. Should any of this charter amendment, or any section, part, sentence, phrase or clause of this charter amendment, for any reason, be held to be inoperative or invalid, or if any exception to or limitation upon any general provision herein contained shall be held to be unconstitutional or invalid or ineffective, the remainder shall, nevertheless, stand effective and valid as if it had been enacted without the portion held to be unconstitutional or invalid or ineffective.

Provided, however, that the foregoing Proposition Two upon being adopted, shall become

operative and effective on June 1, 1941, and not before.

Yes \_\_\_\_\_ No \_\_\_\_\_

5.

PROPOSITION THREE

Shall Article I, Section 7, Paragraph 1 to 8, both inclusive; Article I, Section 15; Article I, Section 16, Paragraph 1; Article I, Section 18, Paragraph 1; Article I, Section 19; Article I, Section 20; Article I, Section 21; Article I, Section 22, Paragraph 1, Article I, Section 22, Paragraph 2; Article I, Section 23; Article I, Section 24; Article I, Section 25; Article I, Section 26; Article I, Section 27; Article I, Section 28, Article I, Section 29; Article I, Section 29-A; Article I, Section 33; Article I, Section 34; Article I, Section 39; Article II, Section 51; Article II, Section 100; Article III, Section 108; Article III, Section 114; Article III, Section 118; Article III, Section 124; Article III, Section 127, relating to the present Board of Commissioners and the Commission Form of Government, be repealed and the following proposition and provisions as hereinafter set forth providing for a Council-Manager Form of Government and the administration thereof, be enacted and adopted as a part of the Charter of the City of San Antonio;

THE CITY COUNCIL

Section 61. Creation, Salary and Composition of Council. Except as otherwise provided in this charter, all powers of the city shall be vested in a council of eleven members, nominated and elected in the manner prescribed by this charter. The city council shall act only as council in session and when not in session, no member or group of members shall have any power or authority in anywise, except the right to obtain and receive information which right shall be plenary.

The term of office of councilman elected at regular municipal elections shall be for two years and shall begin on the first day of June next following their election. Each member of the city council shall receive as sole compensation for his services the sum of Twenty Dollars (\$20.00) per diem for each regular meeting attended by him; provided, however, that the sole compensation of each member of the city council shall not, in any event, exceed the sum of One Thousand and Forty Dollars (\$1040.00) per annum. Members of the city council shall be qualified electors of the city. Members of the city council need not be residents of nor electors in the election district from which they are elected. A member of the city council who ceases to possess any of the qualifications specified in this section, or who is convicted in a court of competent jurisdiction of a felonious offense against the penal code of the State of Texas or of the United States, while in office, shall immediately forfeit his office.

Section 62. Vacancies in the City Council. Vacancies in the city council, created by the death or resignation of a member, or by virtue of the forfeiture of the office of a member for any of the reasons enumerated in Section 61 of this charter, shall be filled by a majority vote of the remaining members of the city council, and the person or persons elected to fill such vacancies shall possess all of the qualifications required of candidates for regular election to the office or offices vacated as hereinbefore described. Such persons elected by the city council to fill such vacancies shall serve only until the expiration of the regular term of office of their immediate predecessors.

Section 63. Meetings of Council. The city council shall meet at such times as may be prescribed by ordinance or resolution. Special meetings shall be called by the city clerk upon the written request of the mayor, the city manager or three members of the city council. All meetings of the city council and of any committees thereof shall be open to the public.

Section 64. Mayor and Mayor Pro Tem. As soon as practicable after a regular municipal election the city council shall choose from its own members a presiding officer, who shall have the title of mayor, and a mayor pro tem. The mayor shall preside at the meetings of the city council. If a vacancy shall occur in the office of mayor, or in case of his absence or disability, the mayor pro tem shall act as mayor for the unexpired term or during the continuance of his absence or disability. In the event of the absence or disability of the mayor pro tem, then the city council shall elect an acting mayor, to serve in such capacity at the pleasure of the city council.

Section 65. City Clerk and Other Officers and Employees in Office of City Clerk. The city council shall choose a city clerk, who shall keep the records of the city council and of the city, and perform such other duties as may be required by this charter or the city council. Other officers and employees in the office of the city clerk, shall be in the classified service of the city, and shall be appointed, supervised, and promoted, and may be reduced and removed by the city manager in accordance with the personnel sections of this charter. All civil process to the City of San Antonio shall be served upon the city clerk.

Section 66. Council Rules. The city council shall declare the result of elections, and to that end, shall have power to subpoena witnesses and compel the production of all pertinent books, records, and papers; but the decision of the city council in any such case shall be subject to judicial review by any court of competent jurisdiction. The city council shall determine its own rules and order of business and keep minutes of its proceedings. It shall have power to compel the attendance of absent members, and, by a vote of not less than nine members, may expel a member from a council meeting for disorderly conduct or the violation of its rules.

Section 67. Quorum. A majority of the members elected to the city council and holding such office shall constitute a quorum to do business, but a less number may adjourn from time to time and compel the attendance of absent members in the manner prescribed by ordinance. A vote regarding adjournment or the attendance of absent members, may be adopted by a majority of the members present; but in all other matters upon which the city council may vote, a majority vote of the members of the city council in office shall be necessary for adoption. In the event of the existence of more than six vacancies, the remaining members shall constitute a quorum and may conduct all necessary business, until such time as the vacancies have been filled. In all matters upon which the city council votes, the votes of the individual councilmen shall be duly recorded by the city clerk in the minutes of the city council. The votes of the individual councilmen, as thus recorded by the city clerk, in the minutes of the city council, shall at all times be a matter of public record.

Section 68. The City Manager. The city council shall appoint an officer whose title shall be city manager and who shall be the chief executive officer and the head of the administrative branch of the city government.

The city manager shall be chosen by the city council solely on the basis of his executive and administrative qualifications. No person elected to membership on the city council shall, subsequent to such election, be eligible for appointment as city manager until three years have elapsed following the expiration of the term for which he was elected.

The city manager shall be appointed for an indefinite term, and may be removed at the pleasure of the city council, by a majority vote of the members of the city council. Upon passage of a resolution stating the council's intention to remove the manager and the reasons

therefor, the city council may suspend him from duty, but his salary shall continue until his removal shall become effective as herein described. At least thirty days before such removal may become finally effective, the manager shall be furnished with a copy of the resolution passed by a majority vote of the members of the city council, stating the city council's intention to remove him and the reasons therefor. The manager may reply in writing to such resolution. If so requested by the manager, the city council shall fix a time and place for a public hearing upon the question of his removal and the final resolution removing the manager shall not be adopted until such public hearing has been had. The action of the city council in removing the manager shall be final. In case of the absence or disability of the manager the city council may designate a qualified administrative officer of the city to perform the duties of the manager during such absence or disability. Provided, however, that pending the selection of the first city manager following the adoption of this charter, the city council may appoint an acting city manager, who shall have all of the powers and duties of the city manager as prescribed by this charter, and who shall serve at the pleasure of the city council; provided further, however, that in no event shall such acting city manager serve for a longer period than three months.

Section 69. Responsibility of Manager - Powers of Appointment and Removal. The city manager shall be responsible to the city council for the proper administration of all affairs of the city placed in his charge and, to that end, subject to the personnel provisions of this charter and except as otherwise provided herein, he shall have sole power to appoint and remove all officers and employees in the administrative service of the city; but the manager may authorize the head of a department or office responsible to him to appoint and remove subordinates in such department or office, subject to the personnel provisions of this charter.

Section 70. Duties of the Manager. It shall be the duty of the city manager to act as chief conservator of the peace within the city; to see that all laws and ordinances are enforced; to supervise the administration of the affairs of the city; to make such recommendations to the city council concerning the affairs of the city as may seem to him desirable; to keep the city council advised of the financial condition and future needs of the city; to prepare and submit to the city council the annual budget estimate; to prepare and submit to the city council such reports as may be required by that body; and to perform such other duties as may be prescribed by this charter or required of him by ordinance or resolution of the city council, not inconsistent with this charter.

Section 71. Council Not to Interfere With Appointments, Removals, or in Administrative Authority of City Manager. Neither the city council nor any of its committees or members shall have the power to require the appointment of any person to, or his removal from office or employment by the city manager or any of his subordinates.

Section 72. City Manager and Other Officers to Attend Council Meetings. The city manager shall attend all meetings of the city council. The city council may require such other officers and employees of the city to attend city council meetings as may be deemed advisable.

Section 73. Bond of City Manager. The city council shall require the city manager, before entering upon the duties of his office, to execute a good and sufficient bond with a surety company authorized to do business in the State of Texas, and approved by the city council, as surety thereon, said bond to be in such amount as the city council may demand, payable to the City of San Antonio, and conditioned for the faithful performance of the duties of his office. The premium of such bond shall be paid by the city.

Section 74. Investigations. The city council, the city manager, or any person or committee authorized by either or both of them, shall have power to inquire into the conduct of any department or office of the city, and to make investigations as to the affairs of the city, and for that purpose may administer oaths.

#### ADMINISTRATIVE DEPARTMENTS

Section 75. Administrative Departments. There are hereby created, and placed under the control of the city manager, the following administrative departments of the city government:

- (1) Department of Law
- (2) Finance Department
- (3) Police Department
- (4) Fire Department
- (5) Department of Public Works
- (6) Public Health Department
- (7) Department of Parks and Recreation

The city council shall have power, by ordinance, to establish other departments and offices. The city council may discontinue any department or office established by ordinance, and may prescribe, combine, distribute or abolish the functions of such departments and offices. No functions or duties assigned by this charter to a particular department or office shall be abolished, except as otherwise provided in this charter, but such functions or duties may be assigned by ordinance to other administrative departments of the city; provided, however, that no such transfer of functions or duties shall be effected until the city council first hears the recommendations of the city manager thereon.

Section 76. Directors of Departments. At the head of each department there shall be a director who shall have supervision and control thereof, subject to approval by the city manager except as specifically provided otherwise by or under this charter.

Section 77. Department Divisions. The work of each department shall be distributed among such divisions thereof as may be established by ordinance, provided, however, that no such division shall be established unless the city manager shall have been given an opportunity to have been heard thereon; provided, further, that pending the passage of an ordinance or ordinances distributing the work of the departments under the supervision and control of the manager among specific divisions thereof, the manager may establish temporary divisions.

#### DEPARTMENT OF LAW

Section 78. Qualifications and Duties of the City Attorney. The city attorney shall be the director of the department of law, and shall be an attorney at law who shall have practiced in the State of Texas for at least five years. He shall be appointed and removed by the city manager with the approval of the city council. He shall be the chief legal adviser of and attorney for the city and all departments and offices thereof in matters relating to their official powers and duties. The city attorney shall perform such other duties as shall be, from time to time, imposed upon him by, or under this charter.

Section. 79. Assistants to the City Attorney. The city attorney shall have such assistant attorneys as shall be provided by ordinance. Such assistants shall be appointed and removed by the city attorney with the approval of the city manager. All powers and duties imposed on the city attorney may be exercised and performed by any assistant city attorney, subject to the direction of the city attorney.

## DEPARTMENT OF FINANCE

Section 80. Powers and Duties of Department of Finance. The department of finance shall have authority:

1. To administer the financial affairs of the city in accordance with ordinances enacted by the city council.
2. To prepare the budget for the city manager and to assist him in its execution after authorization by the city council, as required by this charter.
3. To maintain accounting control over the finances of the city government, and to perform such other duties pertaining to the financial affairs of the city government as the city council may require by ordinance.
4. To control the purchase, storage and distribution of all supplies, materials, equipment, and contractual services required by the city in the manner specified by ordinance.
5. To provide for the assessment of all property subject to taxation by the city.
6. To collect, have custody of, and disburse all monies belonging to the city government, subject to the provisions of this charter and ordinances enacted thereunder; to have custody of all funds of the city in a fiduciary capacity, and to keep a record of such investments, and to have custody of all bonds and certificates of city indebtedness, including such bonds and certificates unissued or cancelled, and the receipt and delivery of city bonds and certificates of transfer, registration, and exchange.

## THE CITY BUDGET

Section 81. Fiscal Year. The fiscal year of the city government shall begin on the first day of October and end on the last day of September. Such year shall constitute the budget year of the city government.

Section 82. Scope of the City Budget. The city budget shall present a complete financial plan for the ensuing fiscal year. It shall set forth all proposed expenditures for the administration, operation, and maintenance of all departments and agencies of the city for which appropriations are required to be made or taxes levied by the city; all expenditures for capital projects to be undertaken or executed during the fiscal year; and the actual or estimated operating deficits from prior fiscal years. In addition thereto the budget shall set forth the anticipated income and other means of financing the total proposed expenditures of the city for the fiscal year.

Section 83. The Budget Document. The budget document, presenting the financial plan for the city government as outlined in section 82 of this charter, shall consist of three parts, as follows:

Part I shall contain (1) a budget message prepared by the manager which shall outline a fiscal policy for the city government, describing therein the important features of the budget with reference both to proposed expenditures and anticipated income; (2) a general budget summary with supporting schedules, which shall exhibit the aggregate figures of the budget in such manner as to show a balanced relation between the total proposed expenditures and the total anticipated income for the fiscal year covered by the budget, and which shall compare these figures with the corresponding figures of the last completed fiscal year and the year in progress.

Part II shall contain (1) detailed estimates of all proposed expenditures, showing the corresponding expenditures for each item for the current fiscal year and the last preceding fiscal year with the explanations of increases or decreases recommended as compared with appropriations for the current fiscal year; (2) detailed estimates of anticipated revenues

and other income; (3) delinquent taxes for current and preceding years, with estimated percentages collectible; (4) statements of the bonded debt and other indebtedness of the city, showing the debt redemption and interest requirements, the debt authorized and unissued, the condition of the sinking funds and the borrowing capacity of the city; (5) a detailed financial statement of the city.

Part III shall contain complete drafts of the proposed budget ordinances, including an appropriation ordinance and such other ordinances as may be required to finance the budget.

Section 84. The Preparation and Adoption of the Budget. At least sixty days prior to the beginning of the fiscal year the departments and agencies of the city government shall transmit estimates of their budgetary requirements to the department of finance, which shall prepare a proposed budget for the manager, under his direction, in the form required by section 83 of this charter. The manager shall transmit this budget to the city council at least thirty days before the beginning of the fiscal year. The city council shall arrange for and hold at least one public hearing on the budget during the period of its consideration. Provided, however, that at least ten days prior public notice, by a publication in a daily newspaper of general circulation in Bexar County, shall be given of such hearing; and provided, further, that at least ten days prior to such public hearing not less than 50 copies of the proposed budget shall be filed with the city clerk. Any qualified taxpaying voter of the city may obtain a copy of the proposed budget from the city clerk upon payment of ten dollars (\$10.00) until the copies are exhausted. Provided, further, that the city clerk shall at all times retain in his office not less than five copies of the proposed budget, which shall be public records open to public inspection during the usual business hours of the city clerk.

The city council may revise, alter, add, omit, increase, or decrease items of the proposed budget prior to the adoption of the appropriation ordinance, provided that it shall not increase the total proposed expenditures above the total anticipated income so that the total anticipated means of financing the budget shall at least equal in amount the aggregate proposed expenditures. At least ten days before the beginning of the fiscal year, the city council shall approve the budget plan and shall enact the appropriation ordinance. The city council may from time to time thereafter amend the budget and enact additional appropriation ordinances according to the extent not prohibited by the general laws of the State of Texas.

Section 85. The Interim Budget. The city manager shall, as soon as practicable after June 1, 1941, submit to the city council an interim budget to be in operation from June 1, 1941, to September 30, 1941, and the city council shall prepare and enact such appropriation and other ordinances as may be necessary for the adoption of the interim budget.

Section 86. Work Program and Allotments. Immediately before the beginning of the fiscal year, upon the direction of the city manager, the head of each department or agency of the city government shall submit to the department of finance a work program for the year, which program shall include all appropriations for its operation and maintenance and for the acquisition of property, and shall show the requested allotments of said appropriations for such department or agency by months for the entire fiscal year.

The city manager shall review the requested allotments in the light of the work program of the department or agency concerned, and may, if he deems necessary, revise, alter, or change such allotments before authorizing the same. The aggregate of such allotments shall not exceed the total appropriation available to said department or agency for the fiscal year. The department of finance shall authorize all expenditures for the departments and agencies to be made from the appropriations on the basis of the approved allotments, and not otherwise.

The approved allotments may be revised during the fiscal year by the city manager, but in no event shall the aggregate of any departmental or agency allotments exceed the appropriation available to said department or agency for such purposes as are provided for in the appropriation ordinance for the fiscal year.

If, at any time during the fiscal year, the city manager shall ascertain that the available income, plus fund balances, for the year will be less than the total appropriations, he may revise the work program and the allotments of the several departments and agencies of the city so as to forestall the making of expenditures in excess of the said income and fund balances.

Section 87. Transfer of Appropriations. The city council may transfer any unencumbered appropriation balance or any portion thereof within a department or agency of the city or from one department or agency to another; provided, however, that before any such transfer of appropriation balances is made, the city manager shall first be given an opportunity to be heard upon such proposed transfer.

Section 88. Money to be Drawn from Treasury in Accordance with Appropriation. No money shall be drawn from the treasury of the city, nor shall any obligation for the expenditure of money be incurred, except in pursuance of the appropriation ordinances. At the close of each fiscal year any unencumbered balance of an appropriation shall revert to the fund from which appropriated and shall be subject to reappropriation.

Section 89. Independent Audit. The city council shall cause an independent audit to be made of the books of account, records and transactions of all the administrative departments and agencies of the city at least once yearly, as soon as practicable after the close of the fiscal year. Such audits shall be made by one or more certified public accountants who, for three years next preceding, have held a certificate issued by the State Board of Accountancy of the State of Texas, or by a State maintaining an equal standard of professional requirements, which entitles the holder of such certificate to a Texas certificate. The auditor or auditors to make such audit shall be selected by the city council, and shall be responsible to the city council. The duties of the auditor or auditors shall include the certification of all statements required by this charter. Such statements shall include a balance sheet, exhibiting the assets and liabilities of the city, supported by departmental schedules, schedules for each utility publicly owned or operated, summaries of income and expenditures, supported by detailed schedules; and also comparisons, in proper classification, as shown by previous audit reports, with the last previous year. The audit shall show in detail any unauthorized expenditures discovered. A copy of this audit shall be furnished to each member of the city council and to the city manager. The original and ten copies thereof shall be kept among the permanent record of the city, open to public inspection.

Section 90. Purchase Procedure. Before making any purchase or contract for supplies, materials or equipment, opportunity shall be given for competition, in such manner and with such exceptions, as the city council may prescribe by ordinance.

#### THE POLICE DEPARTMENT

Section 91. Chief of Police, Director of Police Department. The chief of police shall be the director of the police department. The police department shall be composed of the chief of police and such other members of the department as may be determined by ordinance.

Section 92. Special Peace Officers. The city manager shall have authority to appoint special peace officers. No such special peace officer shall ever be a member of the police department

of the City of San Antonio while acting as such.

Section 93. Authority of Policemen. The officers of the police department shall have all the powers and authority given to them as peace officers under the laws of the State of Texas and all other powers that may lawfully be conferred on them by the city council. Such policemen may exercise their powers and authority within the corporate limits of the city, and within the limits of any property owned, leased or otherwise subject to the control of the city, which lies outside the corporate limits of the city.

#### FIRE DEPARTMENT

Section 94. Chief of Fire Department, Director of Fire Department. The chief of the fire department shall be the director of the fire department. The fire department shall be composed of the chief of the fire department and such other members as may be determined by ordinance.

#### THE DEPARTMENT OF PUBLIC WORKS

Section 96. The Director of the Department of Public Works. The department of public works shall be under the direction of the director of public works, and shall consist of such officers and employees as may be determined by ordinance.

Section 97. Jurisdiction of Department of Public Works. In accordance with ordinances adopted by the city council, the department of public works shall have charge of the planning, opening, construction, maintenance, and repair of all streets, alleys, sidewalks, bridges and public ways; supervision over the municipal airport, the sewers, sewer systems, sewage disposal plants, material and maintenance yard, shops and warehouses; the construction, maintenance, repair and operation of all public buildings belonging to or used by the city; the city markets; building, electrical and plumbing inspection and the issuance of building, electrical and plumbing permits; weights and measures; street and traffic lighting systems, and disposal of garbage; and such other functions as may be provided by ordinance.

#### THE DEPARTMENT OF PUBLIC HEALTH

Section 98. Qualifications, Powers, and Duties of the Director of the Department of Public Health. The director of public health shall be a licensed physician. The department of public health shall consist of such officers and employees as may be determined by ordinance. The director of public health shall enforce the laws of the state and all ordinances relating to public health. He shall perform such other duties and possess such additional powers as may be provided by ordinance.

#### THE DEPARTMENT OF PARKS AND RECREATION

Section 99. The Director of the Department of Parks and Recreation. The department of parks and recreation shall be under the direction of the director of parks and recreation, and shall consist of such officers and employees as may be determined by ordinance.

Section 100. Jurisdiction of the Department of Parks and Recreation. In accordance with the ordinances adopted by the city council, the department of parks and recreation shall have charge of the management and maintenance of public parks, playgrounds, wading and swimming pools, tennis courts, zoos, golf courses, baseball diamonds, basketball courts, and all other public recreational facilities. The management, operation and maintenance of parks and playgrounds and of all municipal public recreational equipment and facilities shall be deemed to be done in behalf of the public health, and shall be deemed to be done in the governmental capacity of the City of San Antonio and not in its proprietary capacity. The department of parks and recreation shall perform such other functions as may be provided by ordinance.

Section 101. Provisions of this Charter Amendment to Stand Effective and Valid. Should any of this charter amendment, or any section, part, sentence, phrase or clause of this charter amendment, for any reason, be held to be inoperative or invalid, or if any exception to or limitation upon any general provision herein contained shall be held to be unconstitutional or invalid or ineffective, the remainder shall, nevertheless, stand effective and valid as if it had been enacted without the portion held to be unconstitutional or invalid or ineffective.

Provided, however, that the foregoing Proposition Three, upon being adopted, shall become operative and effective on June 1, 1941, and not before.

YES \_\_\_\_\_ NO \_\_\_\_\_

PROPOSITION FOUR

Shall Article I, Section 10; Article III, Section 128, Paragraph 1 to 3, both inclusive of the existing Charter of the City of San Antonio, relating to the Removal of Elective Officers be repealed and the following proposition and provisions be enacted and adopted as a part of the Charter of the City of San Antonio.

REMOVAL OF ELECTIVE OFFICERS

Section 102. Recall Provisions. Any member of the city council may be removed from office by recall.

Any qualified elector of the city may make and file with the city clerk a notice of intention to circulate a petition for the recall of any member of the city council. Members of the city council are hereinafter referred to, and shall also be known as councilman, or councilmen, as the case may be. Such notice shall contain the name of the councilman whose removal is sought. A copy of the said notice of intention shall be entered into a record book to be kept in the office of the city clerk. The recall petition shall be filed with the city clerk within thirty days after the filing of the notice of intention to circulate such petition. The petition must also bear the signatures of voters of the city who are qualified to vote for the councilman whose removal is sought to the number of at least 25 per cent of the number of voters who cast their votes at the last preceding regular municipal election, for all of the candidates for the office or place of the councilman whose removal is sought; provided, however, that separate petitions shall be circulated with respect to each councilman whose removal is sought.

Section 103. Signatures to Petitions. The signatures to recall petitions need not all be appended to one paper, but to each separate petition there shall be attached an affidavit of the circulator thereof as provided by this section. Each signer of any such petition paper shall indicate after his signature his place of residence by street and number or other description sufficient to identify the place and number of the voting precinct in which he is qualified to vote. There shall appear on each petition the names and addresses of five voters of the city who are qualified to vote for the councilman whose removal is sought, and on each paper the names and addresses of the same five voters, who, as a committee of the petitioners, shall be regarded as responsible for the circulation and filing of the petition.

The affidavit attached to each petition shall be as follows:

State of Texas )  
 ) ss.  
 County of Bexar )

\_\_\_\_\_, being duly sworn, deposes and says that he personally circulated the foregoing paper, that all the signatures affixed thereto were made in his presence, and that he believes them

to be the genuine signatures of the persons whose names they purport to be.

Signed \_\_\_\_\_  
(Signature of Circulator)

Subscribed and sworn to before me this \_\_\_\_\_ day of \_\_\_\_\_, 1940.

\_\_\_\_\_  
Notary Public

Section 104. Filing, Examination, and Certification of Petitions. All petition papers comprising a recall petition shall be assembled and filed with the city clerk as one instrument. Within twenty days after a petition is filed, the city clerk shall determine whether each paper of the petition is properly attested and whether the petition is signed by a sufficient number of qualified voters. Any petition paper shall be invalid which is not attested by the circulator thereof as required by Section 103 of this charter. Upon completing his examination of the petition, the city clerk shall certify the result of his examination to the city council. If he shall certify that the petition is insufficient he shall set forth in his certificate the particulars in which it is defective, and shall at once notify the committee of petitioners of his findings, provided, however, that except as to such particulars as are so certified by the city clerk to be defective, the petition shall be deemed to be in all other respects valid.

Section 105. Amendment of Petitions. A recall petition may be amended at any time within twenty days after the making of a certificate of insufficiency by the city clerk, by filing a supplementary petition upon additional papers signed and filed as provided in case of an original petition. The city clerk shall, within ten days after such an amendment or supplement is filed, make examination of the amended or supplementary petition and, if his certificate shall show the petition still to be insufficient, he shall file it in his office and notify the committee of the petitioners of his findings and no further action shall be had on such insufficient petition. The finding of the insufficiency of a petition shall not prejudice the filing of a new petition for the same purpose.

Section 106. Recall Election Ordered. If a recall petition, or amended petition, as hereinbefore defined, shall be certified by the city clerk to be sufficient, he shall at once submit it to the city council and notify the councilman whose removal is sought of such action. The failure of the city clerk to certify the insufficiency of any petition, original or amended, within the time and manner hereinabove provided, shall have the same effect as a certification of sufficiency, provided the required number of signatures are affixed to petition papers supported by the affidavit hereinbefore required for such petition papers. The city council shall thereupon fix a day for holding a recall election. Any such election shall be held not less than thirty nor more than forty days after the petition has been presented to the city council, and at the same time as any other special or general election held within such period; but, if no such election is to be held within such period, the city council shall call a special election to be held within the time aforesaid, provided, however, that in the event a councilman whose removal is sought resigns at any time prior to said recall election, then no election shall be held.

Section 107. Ballots in Recall Election. Ballots used in recall elections shall conform to the following requirements: With respect to the member of the city council whose removal is sought the question to be submitted shall be: "SHALL ( name of person) BE REMOVED FROM THE CITY COUNCIL BY RECALL?" Immediately below such question there shall be printed on the

ballots the two following propositions, in the order here indicated:

"Against the recall of (Name of person)".

"For the recall of (Name of person)"

In voting said ballot, the voter shall indicate his vote in favor of recall by scratching or running a line through the proposition "Against the recall of (Name of person)", and shall indicate his vote against recall by scratching or running a line through the proposition "For the recall of (Name of person)".

Section 108. Result of Recall Election. If a majority of the votes cast on the question of recalling a member of the city council shall be against his recall, he shall continue in office for the remainder of his term, but subject to recall as before. If a majority of such votes be for the recall of the member indicated on the ballots he shall, regardless of any defect in the recall petition, be deemed removed from office. When a member of the city council is removed from office by recall, or if he resigns prior to said recall election his office as councilman shall be filled as in the case of other vacancies in the office of councilman, by a majority vote of the city council for a person qualified for election to the office of the councilman removed.

Section 109. Limitations on Recall Petitions. No recall petition shall be filed against a member of the city council within three months after he takes office nor, in respect to a member subjected to a recall election and not removed thereby, until at least six months after such election.

Section 110. Removal of Councilman by Council. The city council shall have power to remove a councilman from his office for conduct of such nature as would seriously reflect upon the honor and dignity of his office, or in the event of his permanent disability. However, no councilman shall be removed from office by the city council unless notified of the charge against him and given an opportunity to be heard in his own defense at a public hearing; provided, however, that no councilman shall be removed by the city council except by a vote of not less than nine members of the city council.

Section 111. Election When Councilman is Removed by Council. If a councilman is removed from office by the city council, his successor shall be selected in the manner provided for filling other vacancies arising in the office of councilman by a majority vote of the city council for a person qualified for election to the office of the councilman thus removed.

Section 112. Provisions of this Charter Amendment to Stand Effective and Valid. Should any of this charter amendment, or any section, part, sentence, phrase or clause of this charter amendment, for any reason, be held to be inoperative or invalid, or if any exception to or limitation upon any general provision herein contained shall be held to be unconstitutional or invalid or ineffective, the remainder shall, nevertheless, stand effective and valid as if it had been enacted without the portion held to be unconstitutional or invalid or ineffective.

Provided, however, that the foregoing Proposition Four, upon being adopted, shall become operative and effective on June 1, 1941, and not before.

YES \_\_\_\_\_ NO \_\_\_\_\_

7.

PROPOSITION FIVE

Shall Article 1, Section 34, of the existing Charter of the City of San Antonio, relating to the Corporation Court be repealed and the following proposition and provisions be enacted and adopted as a part of the Charter of the City of San Antonio:

## THE CORPORATION COURT

Section 113. Creation and Jurisdiction. There is hereby established a court to be held in the city which shall be known as the Corporation Court of the City of San Antonio, which shall have such jurisdiction and powers as are now or may hereafter be conferred upon corporation, mayor's or recorder's courts by the laws of this state. It shall also have jurisdiction of the violation of any ordinance prohibiting the maintenance of any nuisance within five thousand feet of the corporate lines of the city, outside the city limits. Said court shall have jurisdiction in cases where a person is required by the provisions of this charter, or by ordinance passed in pursuance thereof, to obtain a license for any calling, occupation, business or vocation, and upon complaint before said court to adjudge said person guilty of violating any rule, regulation, or ordinance of the city in relation thereto, and in addition to the punishment to be imposed therefor said court may suspend or revoke the license so granted.

Section 114. Code of Criminal Procedure Controlling. All Complaints, prosecutions, the service of process, commitment of those convicted of offenses, the collection and payment of fines, the attendance and service of witnesses and juries, punishment for contempt, bail and the taking of bonds shall be governed by the provisions of the Code of Criminal Procedure of the State of Texas applicable to Corporation Courts.

Section 115. Appeals. Appeals from convictions in the Corporation Court shall be to the County Courts at Law and such appeals shall be governed by the same rules of practice and procedure as are provided by law in cases of appeal from the Justice Court to said County Courts at Law, as far as said rules are applicable.

Section 116. Judge of the Corporation Court. The Corporation Court shall be presided over by a Judge who shall be known as the Judge of the Corporation Court. He shall be elected by a majority vote of the city council, and, at the time of his election, shall be practicing attorney and shall have resided in the City of San Antonio for at least three years immediately preceding his appointment. He shall hold office until removed, at the pleasure of the city council.

If, for any cause, the Judge of the Corporation Court shall temporarily fail to act, then and in such case the Mayor, or in his absence, inability or disqualification, the acting Mayor of the city, is hereby authorized to appoint a licensed attorney who shall act in the Judge of the Corporation Court and who shall have all the powers and discharge all the duties of said office. The Judge of the Corporation Court or anyone acting in his place shall receive such compensation as may be determined by the city council by resolution spread upon the minutes at the time of his selection to fill such office.

Section 117. Clerk of Court. There shall be a clerk or clerks of said court and such other officers and employees as may be provided for by ordinance, who shall be elected by the city council. The clerks shall have authority to administer oaths and affirmations.

Section 118. Prosecuting Attorneys. The city shall be represented in all cases before the Corporation Court only by members of the Department of Law of the city.

Section 119. Divisions of Court. The city council shall have power to appoint additional judges of the Corporation Court or to establish additional Corporation Courts.

Section 120. Provisions of this Charter Amendment to Stand Effective and Valid. Should any of this charter amendment, or any section, part, sentence, phrase, or clause of this charter amendment, for any reason, be held to be inoperative or invalid, or if any exception to or

limitation upon any general provision herein contained shall be held to be unconstitutional or invalid or ineffective, the remainder shall, nevertheless, stand effective and valid as if it had been enacted without the portion held to be unconstitutional or invalid or ineffective.

Provided, however, that the foregoing Proposition Five, upon being adopted, shall become operative and effective on June 1, 1941, and not before.

YES \_\_\_\_\_ NO \_\_\_\_\_

8.

PROPOSITION SIX

Shall Article I, Section 8, Article I, Section 16, Paragraph 1 to 3, both inclusive; Article I, Section 17; Article I, Section 18, Paragraph 2; Article II, Section 56; Article III, Section 111; Article IV, Section 136; Article IV, Section 137; Article IV, Section, 138; Article IV, Section, 139; Article IV, Section 140; Article IV, Section 141; Article IV, Section 142; Article IV, Section 143; Article IV, Section 144; Article IV, Section 145; Article IV, Section 146; Article IV, Section 147; Article IV, Section 148; Article IV, Section 149; Article IV, Section 150; Article IV, Section 151; Article IV, Section 152, of the existing Charter of the City of San Antonio, relating to Appointive Offices and Employments in the Municipal Service be repealed and the following proposition and provisions be enacted and adopted as a part of the Charter of the City of San Antonio:

APPOINTIVE OFFICES AND EMPLOYMENTS IN  
THE MUNICIPAL CIVIL SERVICE

Section 121. The Personnel Board. There is hereby created a personnel board of three members, none of whom shall hold any other city office or employment. One member shall be appointed by the city council; one member by the city manager; and these two members shall appoint the third member, who shall be chairman. The members shall receive such compensation, if any, as may be fixed by the city council, and shall serve for a term of two years, unless sooner removed by the city council after a public hearing. Vacancies occurring in the personnel board shall be filled in the same manner as original appointments.

Members of the personnel board shall be qualified electors of the city.

The personnel board shall:

1. Approve or disapprove the personnel rules and amendments thereto as prepared and recommended by the director of personnel.
2. Hear appeals in case any officer or employee in the classified service of the city is suspended, reduced, or removed.
3. Make investigations regarding personnel matters and report in writing its findings and recommendations to the city manager or the city council.

Section 122. The Director of Personnel. The director of personnel shall be appointed by the city manager, and may be removed by him with the consent of the personnel board.

Section 123. Powers and Duties of the Director of Personnel. The director of personnel shall:

1. Establish and maintain, in suitable form, a complete roster of all of the appointive officers and employees in the service of the city, showing the title of the office or position held, the salary or wages paid, and every change in title, pay, or status of each such officer or employee.
2. Certify to the department of finance, before payments for salaries and wages are made, that the names of the persons holding positions in the classified service to whom it is proposed to make payments for personal services were, during the period for which payment is proposed to be made, on the roster of officers and employees, that such persons were appointed

and employed and were performing services in accordance with the provisions of this charter and the rules and regulations established thereunder, and that the rate of pay proposed has been established in accordance with the provisions of this charter.

3. Keep written lists of offices and positions in the classified service of the city.
4. Prepare and recommend to the city manager a classification plan and amendments thereto for the entire service of the city, for the presentation upon approval by the manager to the city council, and, after adoption by the city council, administer the classification plan approved. The classification plan recommended to the city council shall include titles for the various classes of positions. Each class shall include all positions in the city service which are sufficiently similar with respect to duties, responsibilities, and authority so that the same descriptive title may be used to designate each position allocated to the class, that the same minimum requirements as to education, experience, intelligence, general and specialized knowledge, skill, physical condition, and other qualifications may be demanded of incumbents for the proper performance of their duties, that the same tests of fitness may be used in choosing qualified appointees, and that the same schedule of minimum and maximum pay can be made to apply with equity under like working conditions.

After adoption of the classification plan by the city council, the director of personnel, with the approval of the city manager, shall adopt written specifications for each class and allocate positions to classes. The class titles shall be used in personnel, budget, and financial records and communications, and, if individual positions are designated in the appropriation ordinances, in designating such positions.

5. Prepare and recommend to the city manager, at least sixty days before the beginning of each fiscal year, for presentation upon approval by the manager to the city council, a pay plan including a proposed schedule of pay for each class of position, with minimum and maximum rates and, where necessary, intermediate rates, and, following the adoption of the appropriation ordinances by the city council, see that the payments to officers and employees holding positions in the classified service accord therewith.

6. Give competitive tests to determine, as far as possible, the relative qualifications of those considered for entrance to the city service and for promotion to higher positions in the city service. Upon the basis of such tests the personnel director shall establish employment lists of persons eligible for appointment in the order of their achievement or performance in such tests. Provided, however, that employment lists of persons eligible for appointment shall not be continued in effect for a longer period than one year following the establishment of such lists, unless the director of personnel with the approval of the personnel board, shall renew such lists for reasons presented in writing to the personnel board; but in no event shall such lists be continued in effect for a longer period than eighteen months.

All tests for entrance into the service of the city shall be of the open competitive type; the nature, character, content and manner of conducting which shall be determined by the director of personnel, with the approval of the personnel board; however, upon the recommendation of the city manager approved by the personnel board, such tests may be non-competitive for positions which require exceptional qualifications of scientific, managerial, or professional character.

7. Upon written notice of the appointing authority that a position in the classified service is to be filled, certify the names of the three persons highest on the employment list for the class who are willing to accept appointment. If there is no employment list available from which appointment may be made, the director of personnel may authorize a provisional appointment to a permanent position to continue until a list can be established and certifi--

cation made; provided, however, that no provisional appointment shall continue in effect for a longer period than ninety days, and provided further that provisional appointment shall not be renewed. Temporary appointment may be authorized by the director of personnel to an extra position established by the city council, but such temporary appointments shall not continue longer than thirty days and shall not be renewed. It is hereby declared to be the purpose of this charter to authorize and provide for a complete, adequate, and systematic procedure for handling the personnel matters of the city. Under no circumstances and for no reason whatsoever, therefore, shall provisional and temporary appointments be made to defeat the declared purpose of this charter.

8. Establish for each class probationary periods of not less than three months and not more than six months to enable the appointing officer to observe whether new officers and employees are able and willing to perform their duties in a satisfactory manner. Appointing officers are hereby required to submit to the personnel director reports, at least once each month during the probationary period of the probationary officer or employee, regarding the efficiency of probationary appointees. No permanent appointment shall be made except on certificate of the personnel director, based upon the aforementioned monthly reports of appointing officers, that the officer or employee has satisfactorily passed his or her probationary period.

9. Establish by rule a procedure by which any officer or employee without further competitive test may be transferred from a position in a given class to another position in the same class or to a position in a different class for which he is qualified and for which no higher maximum rate of pay has been established.

10. Provide by rule for the manner of fixing hours of work, checking attendance, making payments for overtime, establishing training courses, determining the order of lay off when forces are reduced because of lack of work or funds, and handling annual, sick, and special leaves of absence with or without pay or with reduced pay.

11. Establish by rule a system of service ratings designed, as far as possible, to reflect the worth of each officer and employee in the classified service of the city.

12. Establish by rule a procedure, in conformity with section 127 of this charter, for making suspensions, reductions, and removals of officers and employees in the classified service for misconduct, inefficiency, and other good reasons and for investigating and hearing appeals in all such cases.

13. Recommend to the city manager measures for coordinating the work of the various departments and for increased individual, group, and department efficiency.

14. At the request of the city manager, or on the initiative of the personnel board, investigate and report upon the administration and effect of the personnel provisions of this charter and the rules and regulations adopted thereunder.

15. Appoint with the approval of the city manager, such employees as may be necessary to administer the personnel provisions of this charter, and to define their duties and responsibilities.

Section 124. Personnel Rules. The director of personnel shall as soon as practicable, and in any case within six months after this charter amendment takes effect, prepare the personnel rules required by this charter and recommend their adoption to the personnel board. As soon as possible thereafter, the personnel board shall approve or disapprove such personnel rules without modification or amendment, and they shall become effective if approved upon the date or dates specified therein. Amendments to the personnel rules may be made in the same manner. Copies of the personnel rules and of amendments thereto shall be transmitted by the director

of personnel to the city council, to the city manager, to the director of each department, and shall be made available to all officers and employees in the classified service of the city.

Section 125. Application of the Personnel Provisions. The personnel provisions of this charter shall apply to all appointive offices and employments and, except as otherwise provided in this charter, to all persons in the administrative service of the city, with the following specific exceptions:

- (a) Members of the city council.
- (b) The city clerk.
- (c) The city manager and the assistant city manager, if any.
- (d) The directors of departments.
- (e) The judge and clerks of the corporation court.
- (f) The employees of the Municipal Library.
- (g) The employees of the City Water Board, while employed by the city water board.
- (h) The director of personnel.
- (i) Members of boards, commissions, and committees.
- (j) Assistant city attorneys.

The positions listed in this section shall constitute the unclassified service of the city. All other appointive offices and employments in the administrative service of the city shall constitute the classified service of the city.

Section 126. Limitations on Appointments. No person shall be appointed to any office or employment in the classified service of the city except after certification by the personnel director or except upon authorization by the personnel director of a provisional or temporary appointment as provided in this charter. No person shall be appointed to or employed in any appointive office or employment in the classified service of the city under any title not appropriate to the duties to be performed.

Section 127. Suspensions, Reductions, and Removals. Any officer or employee in the classified service of the city who has not completed his probationary period or who is serving under provisional or temporary appointment may be suspended, reduced in pay or class, or removed at any time by the city manager or other officer having power to appoint a successor. A copy of the notice of such suspension, reduction, or removal shall be transmitted to the personnel director.

Any officer or employee in the classified service of the city who has been appointed following certification from an employment list may be suspended, reduced in pay or class, or removed at any time during the probationary period by the city manager or other officer having power to appoint a successor by giving him a written notice of such suspension, reduction, or removal together with a statement of the reasons therefor.

Any officer or employee in the classified service of the city who has completed the probationary period may be suspended, reduced in pay or class, or removed by the city manager or officer having authority to appoint a successor, in the manner prescribed hereinafter in this section. A written notice of the suspension, reduction or removal, stating the reasons therefor and when it is effective, shall be given to such officer or employee, or transmitted by registered mail to his usual place of residence. Such officer or employee, within ten days, not including Sundays and legal holidays, after the delivery or mailing to him of such written notice, may appeal in writing to the personnel board for a hearing. The personnel board shall immediately fix a place and a time not later than ten business days after such appeal for holding a hearing, at which the officer or employee suspended, reduced or removed shall have the right to appear and be heard in person, or by counsel. The personnel board

shall, at the request of the officer or employee who has appealed for such a hearing, or at the request of the city manager or other officer ordering the suspension, reduction or removal, compel other persons to attend the hearing to serve as witnesses. All testimony given at such hearings shall be under oath. The members of the personnel board shall have the power to administer oaths and affirmations, and to compel the attendance of witnesses and other persons by subpoena and other processes provided by law, and to compel the production of all pertinent records, by whomsoever held. The personnel board may make any further investigation which it thinks proper. Within twenty-four hours after the completion of the public hearing or such investigation, the personnel board shall report its findings and decision, either affirming or desaffirming the order of suspension, reduction or removal and its findings and decision shall be final. A copy of the written statement given the officer or employee, a copy of the written reply thereto, if any, and a copy of the findings and decision of the personnel board shall be filed as a public record in the office of the director of personnel.

Section 128. Status of Officers and Employees Holding Positions When This Charter Takes Effect.

All officers and employees of the fire and police and fire alarm operators departments, who have been regularly inducted into the service of the city by the former Fire and Police Civil Service Board, and who have completed their prescribed probationary periods, shall be retained without preliminary or probation tests and shall thereafter be subject in all respects to the provisions of this charter. Other officers and employees in the city service whose offices and employments have not been abolished by this charter shall be regarded as holding their offices and employments under provisional appointments until such times as eligible lists have been created by the director of personnel and thereupon such provisional appointments shall terminate; provided that, until such eligible lists have been created, the city manager or acting city manager may suspend, reduce, remove or promote such provisional employees.

Section 129. Certification of Payrolls. No public disbursing officer shall pay any salary, wages, or other compensation for personal services to any persons holding offices or employments in the classified service of the city unless the payroll or account shall bear the certificate of the director of personnel that such persons were appointed or employed and were performing service in accordance with the provisions of this charter and the rules and regulations established thereunder. Any taxpayer may maintain an action in any court of competent jurisdiction to recover for the city any sums paid contrary to the provisions of this paragraph from the person or persons authorizing such payments, or to enjoin the director of personnel from attaching his certificate to a payroll or account for services rendered in violation of the provisions of this charter, or of the rules and regulations established thereunder. If any officer or employee of the city shall willfully or negligently approve or make any payment or issue any warrant in violation of this section, he and the sureties on his bond, shall be liable to the city for the amount thereof and action may be brought therefor by any taxpayer of the city.

Section 130. Contracts for Personal Services. The city council, the city manager and all officers and employees of the city are hereby specifically prohibited from entering into a contract, on behalf of the city, to engage the personal services of any person whomsoever, unless it is subject to termination at any time by the city acting through its representatives authorized by this charter.

Section 131. Information, Reports, and Access to Premises and Records. Every officer or employee in the service of the city shall furnish the director of personnel any information re-

quired by him in the administration of the personnel provisions of this charter and the rules and regulations made thereunder and shall allow members of the personnel board and members of the staff serving under the director of personnel reasonable access to premises, buildings and records under his charge and direction.

Section 132. Compensation of Officers and Employees. The salary or compensation of officers and employees of the city shall be established by ordinance, which shall provide minimum and maximum compensation for each class of service. Such compensation shall conform to the prevailing scale of wages in the City of San Antonio. An increase or decrease in compensation of any officer or employee in the administrative service, within the limits provided for the class, may be directed by the city manager or other appointing authority with the approval of the city manager.

Section 133. Official Bonds. The director of finance, and such other officers and employees as may be required by this charter or by ordinance enacted by the city council so to do, shall give bond in such amount and with such surety as may be required by this charter or as may be required and approved by the city council. The premiums on such bonds shall be paid by the city.

Section 134. Powers and Duties of the Personnel Board and of the Director of Personnel Not to be Diminished or Assigned to Any Other Board, Commission, Committee, Department, Officer, or Employee. The functions, powers, duties and responsibilities given by this charter to the personnel board and to the director of personnel and his sub-ordinates shall not be diminished or assigned to any other board, commission, committee, agency, officer or employee of the city or of any other unit of government.

Section 135. City Council Required to Appropriate Sufficient Funds to Place and Continue in Effect the Personnel Provisions of This Charter. The city council is hereby required to appropriate a sufficient sum annually to carry out the personnel provisions of this charter.

Section 136. Prohibitions. No person elected to the city council, shall, during the time for which he is elected, be appointed to any office or position in the classified service of the city. No officer or employee in the classified service of the city shall continue in such office or employment after becoming a candidate for nomination or election to any public office.

No person shall in any manner solicit or be concerned in soliciting any assessment or contribution for any political party, election campaign or political purpose whatever from any person holding a position in the classified service of the city. Nor shall any officer or employee of the city require any officer or employee in the classified service of the city to take any part in any political affairs, campaign or election. Nor shall any officer or employee in the classified service engage in any political activity on his time being paid for by the city, nor shall his employment be affected in any manner by his political beliefs or by his political activities, if the activities are carried on while off duty.

Any officer or employee of the city who violates any of the provisions of this section shall be subject to the forfeiture of the office or employment he holds with the city. The city council shall by ordinance provide for making charges against and the public trial of any officer or employee charged with violation of the provisions of this section, and may provide by ordinance for the punishment of all persons guilty of violations of this section.

Any appointive officer or employee of the city who is removed from his office or employment for violation of the provisions of this section shall be, for five years thereafter,

ineligible for appointment to or employment in any office or employment in the city service.

Section 137. General Provisions of this Charter Amendment to Stand Effective and Valid.

Should any of this charter amendment, or any section, part, sentence, phrase or clause of this charter amendment, for any reason, be held to be inoperative or invalid, or if any exception to or limitation upon any general provision herein contained shall be held to be unconstitutional or invalid or ineffective, the remainder shall, nevertheless, stand effective and valid as if it had been enacted without the portion held to be unconstitutional or invalid or ineffective.

Provided, however, that the foregoing Proposition Six, upon being adopted, shall become operative and effective on June 1, 1941, and not before.

YES \_\_\_\_\_ NO \_\_\_\_\_

9. PROPOSITION SEVEN

Shall Article I, Section 35; Article I, Section 36; and Article III, Section 100, of the existing charter of the City of San Antonio relating to ordinances be repealed and the following proposition and provisions be enacted and adopted as a part of the Charter of the City of San Antonio:

ORDINANCES

Section 138. Introduction and Passage of Ordinances and Resolutions. Ordinances and resolutions shall be introduced in the city council only in written or printed form. The enacting clause of all ordinances shall be "Be it ordained by the City of San Antonio."

Section 139. When Ordinances and Resolutions Take Effect-Emergency Measures. Except as otherwise provided in this charter or by ordinance or law, all ordinances and resolutions passed by the city council shall take effect at the time indicated therein, but not less than ten days from the date of their final passage. The affirmative vote of at least seven members of the city council shall be required to pass any ordinance or resolution as an emergency measure. An emergency measure is an ordinance or resolution to provide for the immediate preservation of the public peace, property, health or safety, in which the emergency is set forth. No measure making or amending a grant, renewal or extension of a franchise or other special privilege shall ever be passed as an emergency measure.

Section 140. Recording of Ordinance, Resolutions and Minutes. Each ordinance or resolution and the minutes of the city council shall be recorded as soon as practicable by the city clerk in well bound books, which shall be public records.

Section 141. Printed Ordinances Admitted in Courts. All ordinances and codes of ordinances when printed and published by authority of the city, and bearing on the title page thereof "Ordained and Published by the City of San Antonio", or words of like import, shall be prima facie evidence of their authenticity and shall be admitted and received in all courts and places without further proof.

Section 142. Publication of Ordinances. Every ordinance imposing any penalty, fine imprisonment, or forfeiture for a violation of its provisions shall, after passage thereof, be published in the official newspaper for one day, and proof of such publication by the printer or publisher of such newspaper made before any officer authorized to administer oaths and filed with the city clerk or any other competent proof of such publication, shall in all courts be conclusive evidence of the legal publication and promulgation of such ordinance; provided that the amendments and corrections made in digesting any revision for publication in book form

and any general or special code of ordinances need not be so published, but notice thereof may be given as provided by ordinance.

Provided, that any code or codification or part or parts thereof, prepared for general or stated distribution as a model or otherwise, and which is published in printed or multi-graphed or mimeographed form, may be adopted by the City Council, and all publication requirements therefor shall in all respects be satisfied by reference thereto in an ordinance or resolution duly adopted and published in regular form, without further publishing thereof; provided, also, that no less than three copies of such code shall be marked "Official Copies" and filed for permanent examination and use by the public in the office of the City Clerk prior to the adoption thereof.

Provided, further, that any administrative rule or regulation of any department of the City of San Antonio or of the State of Texas, affecting the city, or any statute of Texas, or any published code, specifications or requirements prepared by an official or unofficial organization for general circulation and use, may be added and incorporated by reference thereto in an ordinance, and by marking three (3) copies thereof as official copies and filing them for permanent reference and inspection in the office of the City Clerk prior to the adoption thereof.

Section 143. Provisions of this Charter Amendment to Stand Effective and Valid. Should any of this charter amendment, or any section, part, sentence, phrase or clause of this charter amendment, for any reason, be held to be inoperative or invalid, or if any exception to or limitation upon any general provision herein contained shall be held to be unconstitutional or invalid or ineffective and valid as if it had been enacted without the portion held to be unconstitutional or invalid or ineffective.

Provided, however, that the foregoing Proposition Seven, upon being adopted, shall become operative and effective on June 1, 1941, and not before.

YES \_\_\_\_\_ NO \_\_\_\_\_

10.

PROPOSITION EIGHT

Shall Article III, Section 129; Article III, Section 130 of the existing Charter of the City of San Antonio relating to the Initiative of Ordinances be repealed and the following proposition and provisions be enacted and adopted as a part of the Charter of the City of San Antonio:

INITIATIVE OF ORDINANCES

Section 144. Petition Requesting Submission. Any proposed ordinance, except an appropriation ordinance, or ordinance making the annual tax levy, may be submitted to the city council by a petition signed by qualified voters of the city equal in number to the percentage hereinafter required. The signatures to the petition need not all be appended to one paper, but each signer shall indicate after his signature his place of residence, giving street and number or other description sufficient to identify the place. One of the signers of each paper shall make oath before an officer competent to administer oaths that the statements made therein are true and that each signature on the paper appended is the genuine signature of the person whose name purports to be thereunto subscribed.

Section 145. City Clerk to Examine Petition. Within ten days from the date of filing such petition, the city clerk shall examine and ascertain whether or not said petition is signed by the requisite number of qualified voters and he shall attach to said petition his certificate showing the result of such examination. If by the clerk's certificate the petition is shown to be insufficient, it may be amended within ten days from the date of said certificate. The city clerk shall, within ten days after such amendment, make like examinations of the amended

petition, and if his certificate shall show the same to be insufficient, it shall be returned to the person filing the same, without prejudice, however, to the filing of a new petition to the same effect. If the petition shall be found to be sufficient, the city clerk shall submit the same to the city council without delay.

Section 146. City Council Either to Pass Ordinance or Call Election. If the petition accompanying the proposed ordinance be signed by voters equal in number to fifteen percent of the qualified voters of the city, as appears from the County Tax Collector's rolls for the year next preceding, and contains a request that said ordinance be submitted forthwith to a vote of the people at a special election, the city council shall, unless it passed said ordinance without alteration within twenty days after the attachment of the city clerk's certificate of sufficiency to the accompanying petition, call a special election at which said ordinance, without alteration, shall be submitted to a vote of the people.

Section 147. Ballots - One or More Ordinances May be Voted. - Repeal. The ballots when voting upon said ordinance shall contain the words "For the Ordinance," (Stating the nature of the proposed ordinance ) and "Against the Ordinance," (Stating the nature of the proposed ordinance). If the majority of the qualified voters voting upon said proposed ordinance shall vote in favor thereof, such ordinance shall thereupon become a valid and binding ordinance of the city, and any ordinance proposed by petition, or which shall be adopted by a vote of the people, cannot be repealed or amended except by a vote of the people.

Any number of proposed ordinances may be voted at the same election, in accordance with the provisions of this section of the charter, but not more than one special election with reference to the adoption, repeal, or amendment of an ordinance shall be held in any period of six months.

The city council may submit a proposition for the repeal of any such ordinance or for amendments thereto, to be voted upon at any succeeding general election, and should such proposition so submitted receive a majority of the votes cast thereon at such election, such ordinance shall be repealed or amended accordingly.

Section 148. Promulgation of Ordinance Before Election. Whenever any ordinance or proposition is required by the charter to be submitted to the voters of the city at any election, the city council shall, at least ten days prior to election, order such ordinance or proposition to be printed in the official newspaper of the city and published for at least one day.

Section 149. Provisions of this Charter Amendment to Stand Effective and Valid. Should any of this charter amendment, or any section, part, sentence, phrase or clause of this charter amendment, for any reason, be held to be inoperative or invalid, or if any exception to or limitation upon any general provision herein contained shall be held to be unconstitutional or invalid or ineffective, the remainder shall, nevertheless, stand effective and valid as if it had been enacted without the portion held to be unconstitutional or invalid or ineffective.

Provided, however, that the foregoing Proposition Eight, upon being adopted, shall become operative and effective on June 1, 1941, and not before.

YES \_\_\_\_\_ NO \_\_\_\_\_

11.

PROPOSITION NINE

Shall Article III, Section 131 of the existing Charter of the City of San Antonio relating to the Referendum of Ordinances be repealed and the following proposition and provisions be enacted and adopted as a part of the Charter of the City of San Antonio:

## REFERENDUM OF ORDINANCES

Section 150. Power of Referendum. The voters shall have power to approve or reject at the polls any ordinance except an appropriation ordinance or an ordinance making the annual tax levy.

Section 151. Referendum Petition. Within thirty days after the final passage by the city council of any ordinance which is subject to referendum, a petition signed by the electors of the city equal in number to at least 25 per cent of the qualified voters of the city may be filed with the city clerk, requesting that any such ordinance, or any specified part thereof, be either repealed or submitted to a vote of the electors. The signatures to the petition need not all be appended to one paper, but each signer shall indicate after his signature his place of residence, giving street and number or other description sufficient to identify the place, and the number of the voting precinct. One of the signers of each paper shall make oath before an officer competent to administer oaths that the statements made therein are true and that each signature to the paper appended is the genuine signature of the person whose name purports to be thereunto subscribed.

Section 152. Consideration of Referred Ordinance by Council- Referendum Election. If a referendum petition, or amended petition as defined in Section 151 be found sufficient by the city clerk he shall certify that fact to the city council at its next regular meeting, and the ordinance or part thereof specified in the petition shall not go into effect, and further action thereunder shall be suspended if it shall have gone into effect, until and unless approved by the voters, as hereinafter provided. Upon receipt of the clerk's certificate the city council shall proceed to reconsider the ordinance or part thereof and its final vote upon such reconsideration shall be upon the question "Shall the ordinance (or part of ordinance) specified in the referendum petition be repealed?" If, upon such reconsideration, the ordinance, or part thereof, be not repealed it shall be submitted to the voters at the next city election held not less than thirty days after such final vote by the city council. The city council may submit the ordinance, or part thereof, to the electors at a special election to be held not sooner than thirty days after such reconsideration. If when submitted separately to the voters any ordinance or part thereof be not approved by a majority of those voting thereon it shall be deemed repealed.

Section 153. Form of Ballot for Referred Ordinance. The ballots used when voting upon referred ordinances shall contain the words, "For the Ordinance ", (Stating the nature of the referred ordinance) and "Against the Ordinance", (Stating the nature of the referred ordinance).

Section 154. Preliminary Action Under Referred Ordinance. In case a petition be filed requiring that an ordinance passed by the city council involving the expenditure of money, a bond issue, or a public improvement be submitted to a vote, all steps preliminary to such actual expenditure, actual issuance of bonds, or actual execution of contract for such improvement, may be taken prior to the election; but nothing herein shall be construed to permit a referendum upon an appropriation ordinance.

Section 155. Referendum on Emergency Ordinances. Any emergency ordinance or other ordinance which shall have gone into effect prior to the filing of a referendum petition thereon shall be subject to referendum as in the case of other ordinances, and further action thereunder shall be suspended from the date of the clerk's certification to the city council that a sufficient referendum petition has been filed. If, when submitted to a vote, any such ordinance be not approved by a majority of those voting thereon, it shall be considered repealed

and all rights and privileges conferred by it shall be null and void, except that any such ordinance so repealed shall be deemed sufficient authority for any payments made or expense incurred in accordance therewith prior to the date of the clerk's certification to the city council that a sufficient referendum petition has been filed.

Section 156. Promulgation of Referred Ordinance Before Election. At least ten days prior to the election upon any referred ordinance, the city council shall cause every qualified voter of the city to be notified of the full context of the referred ordinance, either by publication in the official newspaper of the city or otherwise as the city council may determine.

Section 157. Provisions of this Charter Amendment to Stand Effective and Valid. Should any of this charter amendment, or any section, part, sentence, phrase or clause of this charter amendment, for any reason, be held to be inoperative or invalid, or if any exception to or limitation upon any general provision herein contained shall be held to be unconstitutional or invalid or ineffective, the remainder shall, nevertheless, stand effective and valid as if it had been enacted without the portion held to be unconstitutional or invalid or ineffective.

Provided, however, that the foregoing Proposition Nine, upon being adopted, shall become operative and effective on June 1, 1941, and not before.

YES \_\_\_\_\_ NO \_\_\_\_\_

12. PROPOSITION TEN

Shall Article II, Section 101; Article II, Section 102; Article II, Section 103; Article II, Section 104; Article II, Section 105 of the existing Charter of the City of San Antonio relating to Franchises be repealed and the following proposition and provisions be enacted and adopted as a part of the Charter of the City of San Antonio:

FRANCHISES

Section 158. Public Utility Franchises Granted by Ordinance. All public utility franchises and all renewals, extensions and amendments thereof shall be granted or made only by ordinance; no such proposed ordinance shall be adopted until it has been printed in full and until a printed report containing recommendations thereon shall have been made to the city council by the city manager, until adequate public hearings have thereafter been held on such ordinance and until at least two weeks after its official publication in final form shall have elapsed. No franchise or privilege or extension shall ever be granted by the City Council for a longer term than twenty - five years.

Section 159. Right of Regulation. All grants, renewals, extensions or amendments of public utility franchises, whether it be so provided in the ordinance or not, shall be subject to the right of the city:

- (1) To repeal the same by ordinance at any time for misuse or nonuse.
- (2) To require proper and adequate extension of plan and service and the maintenance of plant and fixtures at the highest practicable standard of efficiency.
- (3) To establish reasonable standards of service and quality of products and prevent unjust discrimination in service or rates.
- (4) At any time to examine and audit the accounts and other records of any such utility and to require annual and other reports by each such utility in accordance with standards prescribed by the city.
- (5) To impose such other regulations as may be conducive to the safety, welfare and accommodation of the public.

Section 160. Consent of Property Owners. The consent of abutting and adjacent property owners shall not be required for the construction, extension, maintenance or operation of any public utility.

Section 161. Regulation of Rates. All public utility franchises shall make provision for fixing rates, taxes and charges, provided, however, that the city shall at all times have jurisdiction to regulate rates and service of all public utilities operating in the city, and this jurisdiction shall not be contracted away, either in whole or in part, either in a franchise or otherwise.

Section 162. Revocable Permits. Permits revocable at the will of the city council for public utility privileges as may be specified by general ordinance may be granted and revoked by the city council from time to time in accordance with the terms and conditions to be prescribed thereby; and such permits shall not be deemed to be franchises as the term is used in this charter. Such general ordinance, however, shall be subject to the same procedure as an ordinance granting a franchise and shall not be passed as an emergency ordinance.

Section 163. Extensions. All extensions of public utilities within the city limits shall become a part of the aggregate property of the public utility, shall be operated as such, and shall be subject to all the obligations and reserved rights contained in this charter and in any original grant made hereafter. The right to use and maintain any extension shall be terminable as provided in Section 159 hereof. In case of an extension of a public utility operated under a franchise hereafter granted, such right shall be terminable at the same time and under the same conditions as the original grant.

Section 164. Provisions of this Charter Amendment to Stand Effective and Valid. Should any of this charter amendment, or any section, part, sentence, phrase, or clause of this charter amendment, for any reason, be held to be inoperative or invalid, or if any exception to or limitation upon any general provision herein contained shall be held to be unconstitutional or invalid or ineffective, the remainder shall, nevertheless, stand effective and valid as if it had been enacted without the portion held to be unconstitutional or invalid or ineffective.

Provided, however, that the foregoing Proposition Ten upon being adopted, shall become operative and effective on June 1, 1941, and not before.

YES \_\_\_\_\_ NO \_\_\_\_\_

13.

PROPOSITION ELEVEN

Shall Article I, Section 30; Article I, Section 31; Article II, Section 99-A; Article III, Section 106; Article III, Section 107; Article III, Section 116; Article III, Section 117; Article III, Section 118; Article III, Section 119; Article III, Section 120; Article III, Section 121; Article III, Section 122, of the existing charter of the City of San Antonio relating to the Assessment and Collection of Taxes be repealed and the following proposition and provisions be enacted and adopted as a part of the Charter of the City of San Antonio:

ARTICLE III

ASSESSMENT AND COLLECTION OF TAXES

Section 165. Assessor and Collector of Taxes. There shall be an officer in the department of finance who shall be known as the assessor and collector of taxes. He shall be in the classified service of the city and shall be appointed by and may be removed by the director of finance with the approval of the city manager, subject to the personnel provisions of this charter. It shall be his duty to assess within the time herein fixed, all property subject to taxation in the city whether it be rendered to him or not, and to make out a list

of the same. He shall assess all property at the value provided by law, giving the value of lands and improvements separately and shall also assess personal property of whatever nature, including franchises, privileges and choses in action. He shall describe all property assessed sufficiently to identify it giving the name of the last known owner thereof, and if the owner is unknown he shall state the fact. He shall assess the property which has been omitted from assessment during the past years upon the next assessment roll after discovering the fact, and shall have the same authority as county tax assessors to make reassessments, all at the same rate such property shall have been assessed for such past years giving the year for which it is assessed and the taxes thereon shall be collected in the same manner as other assessments. The assessment rolls and tax receipts shall be made up and filed in the department of finance on or before the first day of March of each year. In addition to these powers, the assessor and collector of taxes shall have all the rights that are now or may be hereafter conferred upon county assessors of this state and shall perform such other duties as may be prescribed by the city council.

Section 166. Collection of Taxes. The assessor and collector of taxes shall collect all ad valorem and occupational taxes and other license fees and dues as may be prescribed by the city council and give receipts therefor. He shall deposit daily with the city depository all moneys collected since the last deposit.

Section 168. The Power of the City to Levy and Collect Taxes. The city council shall have power by ordinance annually to levy and collect ad valorem taxes as follows: first: For general purposes not exceeding One Dollar and Twenty-Five Cents upon every One Hundred Dollar valuation; Second; For special purposes, not exceeding One Dollar and Twenty-Five Cents upon every One Hundred Dollar valuation; provided, that the total tax rate of the city shall never exceed Two Dollars and Twenty-five Cents annually, on the One Hundred Dollars valuation, of all property assessed according to the last approved assessment roll of the city, except that the tax levied by any improvement district therein may be not exceeding twenty-five cents annually, in addition to the Two Dollars and Twenty-Five Cents mentioned above. The ad valorem taxes shall be levied annually and collected on the assessed value of all real and personal estate and property in the city, including all choses in action, franchises and privileges having a situs in the city, though the owners thereof be non-residents.

Consistent with the provisions of this section, the city council may levy and provide for the assessment, time of payment, and collection of an interim tax for the period between the end of the fiscal year ending May 30, 1941, and the beginning of the new fiscal year commencing October 1, 1941.

Section 169. Advertising Tax. The City Council may levy and collect annually a special tax not exceeding 5 cents on every \$100.00 valuation of the taxable property within the City of San Antonio, to advertise the City of San Antonio to increase the growth of the City, for the improvement thereof and for the benefit of the inhabitants, and the taxes shall be expended in a manner which will promote the general prosperity and welfare of the City of San Antonio.

Section 171. Occupation Taxes. The city council shall have power annually to levy and collect taxes imposed by the state, upon all occupations, callings and professions subject to such taxation by the laws of the state.

Section 172. Method of Levy, Assessment and Collection of Taxes. All city taxes shall be levied, assessed and collected in the same manner as may be provided by the laws of the state for the levy, assessment and collection of state and county taxes, unless herein otherwise

Provided. The city council shall from time to time appoint a board of equalization to be composed of three members who shall not be members of the city council, and who may be removed at the pleasure of the city council. The city council shall designate one of the members of the board as chairman. The board of equalization shall revise and correct all assessments made in the city in the same manner as the same are revised and corrected by the commissioner's court, in cases of state and county taxation, and the board shall fix its time of meeting and give notice thereof. The board shall assess all property in the manner provided by law and shall equalize all assessments as near as may be. The board of equalization shall have power to summon any of the property owners before them, shall have power to administer oaths and to punish for contempt not exceeding a One Hundred Dollar fine. Any person failing to appear before the board, or failing to give evidence or answer any question as to his property or any part thereof, or its location or value, shall be deemed guilty of contempt within the meaning of this section. The board shall have the right to adopt any manner of assessment so as to equalize taxes as near as possible, and at the conclusion of its work each year the board shall sign a written oath that they have inquired into the value of all property subject to taxation and have assessed said property according to law. The city council may, by ordinance, regulate the manner of assessing and collecting city taxes as the city council may deem proper, although not in accordance with the provisions of the state law governing the assessment and collection of county taxes, and may provide for the enforcement of the collection of taxes and the sale of property for delinquent taxes in any manner authorized by law. A purchaser of property at a tax sale shall be subrogated to all the rights of the city with reference to the collection of taxes against said property.

Section 173. Failure to Levy Taxes. If the city council should fail, refuse or neglect to pass an ordinance for any year, levying the taxes for that year, the ordinance last passed levying taxes will be considered in force and a failure to pass such ordinance shall in no wise invalidate the collection of any taxes.

Section 174. Taxes When Due. All ad valorem taxes for each fiscal year shall become due in two equal installments. The first installment, which amount shall be one-half of the total sum of the taxes for the fiscal year, shall be due on the first day of February of each fiscal year, and shall be paid before the first day of April next following, and the second installment, which amount shall be the remaining one-half of the total sum of taxes of the fiscal year, shall be due on the first day of August of each fiscal year, and shall be paid before the first day of October next following and all delinquent taxes shall bear interest from the date they are delinquent until paid at the rate of one-half of one per cent for each month or fraction thereof. The time for the payment of taxes shall not be extended. The city council shall have power by ordinance, to provide for the payment of any ad valorem taxes in four equal installments.

Section 175. Penalties on Delinquent Taxes. All persons and property owners failing to pay any tax owing on or before its delinquent date shall, in addition to interest be charged a penalty of one-half of one per cent for each month or fraction thereof from the date such taxes are delinquent until such taxes are paid but such penalty shall not exceed six per cent of the principal amount of the taxes. Unless authorized by the laws of the state, neither the city council nor the assessor and collector of taxes shall have power to make any general remission of penalties or interest on taxes, provided, however, that the city council as to any specific tax claim of the city shall have the authority to compromise the principal, interest and penalties provided that the terms of the compromise and the reasons therefor shall first

be submitted in writing by the assessor and collector of taxes to the city manager and after approval by the city manager to the city council; and provided, further that no such compromise shall be effective in any manner except upon the receipt by the city of the money or property so accepted in compromise.

Section 176. Tax Lien and Enforcement. The annual assessment made upon property for taxes due the city shall be a prior and special lien upon said property, and all property, both real and personal, belonging to any delinquent taxpayer shall be liable to seizure and sale for the payment of all taxes, interest, penalties and costs due the city by such delinquent, under such regulations as the legislature may have provided, or may hereafter provide for the collection of state and county taxes, or as may be provided by the city council or under decree of court. (The city council shall have power by ordinance to provide for payment of any ad valorem taxes in four equal installments).

Section 178. Provisions of this Charter Amendment to Stand Effective and Valid. Should any of this charter amendment, or any section, part, sentence, phrase or clause of this charter amendment, for any reason, be held to be inoperative or invalid, or if any exception to or limitation upon any general provision herein contained shall be held to be unconstitutional or invalid or ineffective, the remainder shall, nevertheless, stand effective and valid as if it had been enacted without the portion held to be unconstitutional or invalid or ineffective. Provided, however, that the foregoing Proposition Eleven, upon being adopted, shall become operative and effective on June 1, 1941, and not before.

YES \_\_\_\_\_ NO \_\_\_\_\_

14.

PROPOSITION TWELVE

Shall Article I, Section 32, Paragraphs 1 to 4, both inclusive; Article 111, Section 108; Article 111, Section 109; Article 111, Section 110, and Article 111, Section 112, of the existing Charter of the City of San Antonio relating to City Depositories be repealed and the following proposition and provisions be enacted and adopted as a part of the Charter of the City of San Antonio:

CITY DEPOSITORIES

Section 179. City Depositories. All moneys received by any department or agency of the city for or in connection with the business of the city shall be deposited promptly in the city depository which shall be designated by the city manager, with the approval of the city council, in accordance with such regulations and subject to such requirements as to security for deposits and interest thereon as may be established by ordinance. All interest on moneys belonging to the city shall accrue to the benefit of the city.

Section 180. Provisions of this Charter Amendment to Stand Effective and Valid. Should any of this charter amendment, or any section, part, sentence, phrase or clause of this charter amendment, for any reason, be held to be inoperative or invalid, or if any exception to or limitation upon any general provision herein contained shall be held to be unconstitutional or invalid or ineffective, the remainder shall, nevertheless, stand effective and valid as if it had been enacted without the portion held to be unconstitutional or invalid or ineffective. Provided, however, that the foregoing Proposition Twelve, upon being adopted, shall become operative and effective on June 1, 1941, and not before.

YES \_\_\_\_\_ NO \_\_\_\_\_

15.

## PROPOSITION THIRTEEN

Shall Article I, Section 321 Paragraph 2; Article II, Section 53; Article II, Section 54; Article II, Section 55; of the existing Charter of the City of San Antonio relating to the Issuance and Sale of Bonds, Notes, and other Evidences of Indebtedness by repealed and the following proposition and provisions be enacted and adopted as a part of the Charter of the City of San Antonio:

ISSUANCE AND SALE OF BONDS, NOTES, AND  
OTHER EVIDENCES OF INDEBTEDNESS

Section 181. Authority to Issue Bonds. The city shall have power to borrow money on the credit of the city and to issue bonds therefor for acquiring property and making improvements for public purposes, or to fund or refund any indebtedness. However, the total bonded indebtedness of the city shall never be increased so as to exceed ten per cent of the total assessed valuation of property according to the last assessment roll, exclusive of indebtedness secured in whole or in part by special assessments, exclusive of the bonded indebtedness of any improvement district, and exclusive of the bonded debt secured solely by the assets and revenues of any public utilities which are now, or which may be hereafter owned by the city. Any proposition to borrow money and to issue bonds as aforesaid, except as authorized by law, shall be submitted to the qualified taxpaying voters of the city, and shall distinctly specify the purpose thereof. The time, place, and manner of such election and the making of returns and declaring the results thereof shall be prescribed by ordinance as nearly in accord with the laws regulating city elections as may be practicable, and unless a majority of the qualified taxpaying voters voting thereon in such election vote in favor of the issuance of such bonds, the same shall not be issued; provided that the purpose of the issuance of bonds, as submitted at such an election may include more than one subject, but each such subject shall be clearly set forth.

Section 182. Sale of Bonds. No bond issued by the city shall be sold for less than par value and accrued interest, and until after receipt of and consideration of bids for the bonds, submitted in response to a public advertisement therefor.

Section 183. Sinking Fund. It shall be the duty of the city council each year to levy a tax sufficient to pay the interest on and provide the necessary sinking fund required by law on all bonds outstanding. The interest and sinking fund, and the funds hereafter created for the retirement of bonds shall be deposited in separate accounts in the city depositories and shall not be diverted to any other purpose, or used for any purpose other than to pay the interest and principal on such bonds.

Section 184. Issuance of Bonds for Improvement Districts. To borrow money on the credit of any improvement district of the City and issue bonds therefor for permanent public improvements in such districts, and to this end the city council may divide the City, or any portion thereof, into improvement districts, clearly defining the limits of each district; but every proposition to borrow money on the credit of any improvement district for permanent public improvements therein shall be submitted to the qualified taxpaying voters living and owning property in such district, and shall distinctly specify the purpose for which the loan is desired and the permanent public improvements to be constructed, but several improvements of different and distinct character and nature may be submitted in one proposition. If said proposition be sustained by a majority of the votes cast in such election in such district, such loan shall be lawful. All bonds shall specify for what purpose they were issued, shall

bear interest at a rate of not greater than five per cent per annum, and, when sold, shall not net less than par value, with accrued interest to date of payment of the proceeds into the City depository, and such bonds may be negotiated in lots, as the city council may decree. No debt shall be contracted for the payment whereof such bonds are issued until such bonds shall have been disposed of, and no debt shall ever be created against any such improvement district unless at the same time provision be made to assess and collect annually upon the property in such improvement district a sum sufficient to pay the interest on such bonds and create a sinking fund of at least two per cent thereon. The interest and sinking fund tax which shall be collected annually from the property in such improvement district for such bonds shall be in addition to the other current taxes, levied by the City, and shall be kept separate by the City depository from other funds, and shall not be diverted or used for any other purpose than to pay interest and principal on such bonds. The sinking fund for such bonds shall be invested as provided by law or in bonds of such improvement district. The tax levied for interest and sinking fund for bonds issued for permanent public improvements in any district shall not exceed twenty-five cents on the one hundred dollars valuation annually.

Section 185. Borrowing for Current Purposes. The city council may by ordinance authorize the borrowing of money and the issuance of notes therefor in anticipation of the receipts of taxes levied for any one year and the current revenue for that year, and pledge as security for such loans the uncollected taxes and revenue for any such year, and shall have the right to contract to pay interest upon all amounts so borrowed.

Section 186. Provisions of this Charter Amendment to Stand Effective and Valid. Should any of this charter amendment, or any section, part, sentence, phrase or clause of this charter amendment, for any reason, be held to be inoperative or invalid, or if any exception to or limitation upon any general provision herein contained shall be held to be unconstitutional or invalid or ineffective, the remainder shall, nevertheless, stand effective and valid as if it had been enacted without the portion held to be unconstitutional or invalid or ineffective.

Provided, however, that the foregoing Proposition Thirteen, upon being adopted, shall become operative and effective on June 1, 1941, and not before.

YES \_\_\_\_\_ NO \_\_\_\_\_

16.

PROPOSITION FOURTEEN

Shall the existing Charter of the City of San Antonio be amended by changing the designation of the following sections thereof in the following manner:

Article I, Section 2, Paragraph 1	shall become	Section 2.
Article I, Section 5	shall become	Section 10.
Article I, Section 18-a	shall become	Section 15.
Article II, Section 52	shall become	Section 19.
Article II, Section 57	shall become	Section 20.
Article II, Section 58	shall become	Section 21.
Article II, Section 59	shall become	Section 22.
Article II, Section 60	shall become	Section 23.
Article II, Section 61	shall become	Section 24.
Article II, Section 62	shall become	Section 25.
Article II, Section 63	shall become	Section 26.
Article II, Section 64	shall become	Section 27.
Article II, Section 65	shall become	Section 28.

Article II, Section 66	shall become Section 29.
Article II, Section 67	shall become Section 30.
Article II, Section 68	shall become Section 31.
Article II, Section 69	shall become Section 32.
Article II, Section 70	shall become Section 33.
Article II, Section 71	shall become Section 34.
Article II, Section 72	shall become Section 35.
Article II, Section 73	shall become Section 36.
Article II, Section 74	shall become Section 37.
Article II, Section 75	shall become Section 38.
Article II, Section 76	shall become Section 39.
Article II, Section 77	shall become Section 40.
Article II, Section 78	shall become Section 41.
Article II, Section 79	shall become Section 42.
Article II, Section 80	shall become Section 43.
Article II, Section 81	shall become Section 44.
Article II, Section 82	shall become Section 45.
Article II, Section 83	shall become Section 46.
Article II, Section 84	shall become Section 47.
Article II, Section 85	shall become Section 48.
Article II, Section 86	shall become Section 49.
Article II, Section 87	shall become Section 50.
Article II, Section 88	shall become Section 51.
Article II, Section 89	shall become Section 52,
Article II, Section 90	shall become Section 53, paragraph 1
Article II, Section 91	shall become Section 53, paragraph 2
Article II, Section 92	shall become Section 54.
Article II, Section 93	shall become Section 55,
Article II, Section 94	shall become Section 56, paragraph 1
Article II, Section 95	shall become Section 56, paragraph 2
Article II, Section 96	shall become Section 57.
Article II, Section 97	shall become Section 58.
Article II, Section 98	shall become Section 59.
Article II, Section 99	shall become Section 60
Article I, Section 16-a	shall become Section 95
Article II, Section 106-a	shall become Section 167
Article III, Section 123	shall become Section 177
Article I, Section 19-a	shall become Section 187
Article I, Section 22, paragraph 3	shall become Section 188
Article I, Section 37	shall become Section 189
Article I, Section 38	shall become Section 190
Article I, Section 40	shall become Section 191
Article I, Section 41	shall become Section 192
Article I, Section 42	shall become Section 193
Article I, Section 43	shall become Section 194
Article I, Section 44	shall become Section 195
Article I, Section 45	shall become Section 196

Article I, Section 46	shall become	Section 197
Article I, Section 47	shall become	Section 198
Article I, Section 48	shall become	Section 199
Article I, Section 49	shall become	Section 200
Article I, Section 50	shall become	Section 201
Article I, Section 113	shall become	Section 202
Article I, Section 132	shall become	Section 203
Article I, Section 133	shall become	Section 204
Article I, Section 134	shall become	Section 205
Article I, Section 135	shall become	Section 206
Article I, Section 126	shall become	Section 207

And the said provisions of the charter shall henceforth be designated by the new section numbers.

Provided, however, that the foregoing Propostion Fourteen, upon being adopted, shall become operative and effective on June 1, 1941, and not before.

YES \_\_\_\_\_ NO \_\_\_\_\_

17.

PROPOSITION FIFTEEN

Shall the existing charter of the City of San Antonio be amended by adding thereto and enacting and adopteing the following proposition and provisions:

Section 170. Welfare and Public Assistance Programs. The city council may levy and collect annually a special tax not exceeding five cents on every One Hundred Dollars valuation of all property subject to taxation by the City of San Antonio for relief and public assistance programs.

Provided, however, that the foregoing Proposition Fifteen, upon being adopted, shall become operative and effective on January 1, 1941 and not before.

YES \_\_\_\_\_ NO \_\_\_\_\_

18. Said election for the adoption of the amendments proposed above, shall be held in accordance with the laws of the State of Texas, and all qualified voters of the City of San Antonio holding a Poll Tax Receipt for the fiscal year 1939 or a certificate of exemption, shall be allowed to vote in said election. The propositions shall be printed in full upon the ballots used in said election and the ballots shall be prepared in such a manner that the voter may vote "YES" or "NO" on said amendments. The manner of holding said election shall be governed by the Laws of the State of Texas, regulating general elections.

19. A copy of this ordinance, signed by the Mayor, shall serve as proper notice of said election; and, the Mayor is directed to cause notice of such election to be published in some newspaper in the City of San Antonio thirty days prior to the date of said election; and, the City Clerk is directed to mail a copy of the proposed amendments to every qualified voter in the City of San Antonio who appears on the Rolls of the Tax Collector of Bexar County, for the year ending the 31st day of January, 1940.

20. This ordinance shall not be passed until twenty days notice has been given of the intention to submit said amendments by publication for ten days in some newspaper published in the City of San Antonio; by "twenty days" is meant from the first date said notice is published.

21. PASSED AND APPROVED this 15th day of November, A. D. 1940.

Maury Maverick  
Mayor

Attest: H. L. Dillashaw  
City Clerk

NOTICE OF INTENTION

The governing body of the City of San Antonio has caused the City Clerk to give 20 days' notice of the foregoing ordinance to be passed submitting the aforesaid amendments to the City Charter by publication for 10 days in the San Antonio Evening News, a newspaper published in said City.

Given under my hand and seal of office at San Antonio, Texas, this 24th day of October, A. D. 1940.

H. L. Dillashaw,  
City Clerk

(SEAL)

\* \* \* \* \*

AN ORDINANCE (2553) *OJ-151*

CONSENTING TO THE EXTENSION OF CONTRACT WITH R. E. MEGEE & COMPANY

WHEREAS, R. E. Megee & Company has given the city of San Antonio written notice of a desire to extend the contract entered into under and by virute of an ordinance passed and approved on November 22nd, 1939, and entitled "AN ORDINANCE ACCEPTING THE PROPOSAL OF R. E. MEGEE & COMPANY FOR STORAGE OF GASOLINE AND DELIVERY OF SAME, AND MAKING A CONTRACT BETWEEN THE CITY OF SAN ANTONIO AND R. E. MEGEE & COMPANY CONCERNING SAID STORAGE AND DELIVERY", and the amendments thereto, for a period of 90 days from November 24, 1940; NOW, THEREFORE:

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

That this ordinance constitutes the consent of the Board of Commissioners of the City of San Antonio to extend the term of said contract provided for in the aforementioned ordinance for an additional 90 day period, becoming effective on November 25, 1940 and terminating on February 23, 1941, and the same is hereby so extended.

With the consent of the Board of Commissioners of the City of San Antonio, contractor may extend the term hereof for an additional 90 day period by giving 15 days' written notice prior to expiration date.

All other terms of the abovementioned contract entered into on November 22nd, 1939, shall be and they are hereby continued in full force and effect.

PASSED AND APPROVED this 26th day of November, A. D. 1940.

Maury Maverick  
Mayor

Attest: H. L. Dillashaw  
City Clerk

\* \* \* \*

AN ORDINANCE (2554) *OS-152*

AMENDING RULE 39-H, RULE 39-I AND RULE 77 OF SECTION I OF AN ORDINANCE PASSED AND APPROVED THE 8TH OF DECEMBER, 1921, ENTITLED "AN ORDINANCE REGULATING TRAFFIC ON THE STREETS, PLAZAS AND PUBLIC PLACES OF THE CITY OF SAN ANTONIO, REPEALING ALL ORDINANCES IN CONFLICT HEREWITH, AND PROVIDING PENALTIES", AS AMENDED, AND ADDING THERETO RULE 21-D-1 OF SECTION 1.

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

1. That Rule 39-H of Section I of an ordinance passed and approved on December 8th, 1921, entitled "AN ORDINANCE REGULATING TRAFFIC ON THE STREETS, PLAZAS AND PUBLIC PLACES OF THE CITY OF SAN ANTONIO, REPEALING ALL ORDINANCES IN CONFLICT HEREWITH AND PROVIDING PENALTIES", as amended, be and the same is hereby amended by adding thereto the following, to-wit:

" That portion of Main Plaza immediately adjacent to the south side of the safety island which is situated on the south side of West Commerce Street between Main Avenue and Soledad Street."

2. That Rule 39-I of Section I of an ordinance passed and approved on December

8th, 1921, entitled "AN ORDINANCE REGULATING TRAFFIC ON THE STREETS, PALZAS AND PUBLIC PLACES OF THE CITY OF SAN ANTONIO, REPEALING ALL ORDINANCES IN CONFLICT HEREWITH AND PROVIDING PENALTIES", as amended, be and the same is hereby amended by adding thereto the following, to-wit:

" That portion of Military Plaza immediately adjacent to the south side of the safety island which is situated on the south side of West Commerce Street between Camaron Street and South Flores Street."

3. That Rule 77 of Section I of an ordinance passed and approved on December 8th, 1921, intituled "AN ORDINANCE REGULATING TRAFFIC ON THE STREETS, PLAZAS AND PUBLIC PLACES OF THE CITY OF SAN ANTONIO, REPEALING ALL ORDINANCE IN CONFLICT HEREWITH AND PROVIDING PENALTIES", as amended, be and the same is hereby amended by adding thereto the following, to-wit:

"K. The street portion of Military Plaza between the City Hall and the safety island situated on the south side of West Commerce Street between Camaron Street and South Flores Street, from west to east, only.

"L. The street portion of Main Plaza between the park and the safety island situated on the south side of West Commerce Street between Main Plaza and Soledad Street, from west to east, only."

4. That Section I of an ordinance passed and approved on December 8th, 1921, entitled "AN ORDINANCE REGULATING TRAFFIC ON THE STREETS, PLAZAS AND PUBLIC PLACES OF THE CITY OF SAN ANTONIO, REPEALING ALL ORDINANCES IN CONFLICT HEREWITH AND PROVIDING PENALTIES", as amended, be and the same is hereby amended by adding thereto Rule 21-D-1, as follows:

"Rule 21-D-1. No left turn shall be made by any vehicle except a vehicle operated in performance of the duties of the Police Department and the Fire Department of the City of San Antonio at the following locations:

- a. From the street portion of Military Plaza between the City Hall and the safety island situated on the south side of West Commerce Street between Camaron Street and South Flores Street, at the east end of said safety island.
- b. From the street portion of Main Plaza between the park and the safety island which is situated on the south side of West Commerce Street between Main Avenue and Soledad Street, at the east end of said safety island.

5. This ordinance is hereby declared to be of urgent importance for reasons of public welfare apparent therefrom, and shall take effect from the date of its passage by a four-fifths vote of the Board of Commissioners of the City of San Antonio.

6. PASSED AND APPROVED this 26th day of November, A. D. 1940.

Maury Maverick  
Mayor

Attest: H. L. Dillashaw  
City Clerk

AN ORDINANCE (2555) *OJ-153*

AUTHORIZING THE EXECUTION OF A LEASE CONTRACT BETWEEN THE CITY OF SAN ANTONIO AND THE DEPARTMENT OF PUBLIC SAFETY OF THE STATE OF TEXAS.

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

1. That the Mayor of the City of San Antonio be and he is hereby authorized to execute a lease contract by and between the City of San Antonio and the Department of Public Safety of the State of Texas, whereby certain transmitting equipment is leased to the Department of Public Safety for a period beginning November 15th, 1940, and ending November 15th, 1942, said contract being in form and content identical with the copy attached hereto and made a part of this ordinance for all purposes.

2. PASSED AND APPROVED this 26th day of November, A. D. 1940.

Maury Maverick  
Mayor

Attest: H. L. Dillashaw  
City Clerk

\* \* \*

AN ORDINANCE (2568) *OS-154*

CREATING A CONTRACT BETWEEN THE CITY OF SAN ANTONIO AND THE DECORATIVE SERVICE COMPANY FOR THE DECORATION OF THE CITY HALL FOR CHRISTMAS 1940.

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

This ordinance creates and manifests a contract by and between the City of San Antonio a municipality of the State of Texas, situated in the County of Bexar, hereinafter called "CITY", acting by and through its Mayor, and Decorative Service Company, a firm situated in the City of San Antonio, Bexar County Texas, hereinafter called "DECORATOR" in words and figures as follows:

1. Decorator agrees to decorate the front and rear outside walls of the City Hall of the City of San Antonio for the Christmas season 1940, said decorations to be erected and in place on or about the 5th day of December 1940 and to remain in place through the 2nd day of January 1941.

2. Said decorations shall consist of a cross over each of front and rear doors of the City Hall of the City of San Antonio, said crosses being surrounded by large circles of Spruce roping with lights as trimming, together Spruce wreaths and other decorations extending over five windows on either side of said doors, and including, also, four Christmas trees to be placed so that one tree should be on each side of the two doors, all to be decorated with the necessary lights, in accordance with the sketch denominated "Christmas at City Hall" said sketch having been furnished by decorator and being in possession of Stewart King, City Forester, to which sketch reference is hereby made for all purposes.

3. There shall be at least eight of the wreaths above mentioned and each wreath shall be not less than four feet in diameter, and the Christmas trees mentioned above shall

be between twelve and fourteen feet in height.

4. All light bulbs shall be furnished by decorator; however the cost of electrical current shall be borne by the City.

5. It is further understood and agreed between the parties that all electrical wiring on the decorations themselves shall be furnished by decorator; however, City agrees to connect its power source with the electrical wiring of the decoration.

6. In consideration for the performance of all the above labor and construction, City agrees to pay to Decorator the total sum of \$320.00 as follows: \$160.00 on the 30th day of November 1940, and the balance of \$160.00 upon completion of the services and after acceptance thereof by the City of San Antonio, said acceptance to be manifested by a written instrument signed by the Mayor of the City of San Antonio.

7. Decorator agrees to comply strictly with all laws applicable to Decorator's business.

8. The foregoing instrument in writing constitutes the entire agreement, there being no other written or oral understanding with any officer or employee of the City, it being understood that the charter requires all contracts of the City to be in writing and adopted by ordinance.

9. Decorator agrees to carry the necessary workmans compensation, public liability and other required insurance, and agrees to hold the City free and harmless from any and all claims which may arise by reason of the performance of the above mentioned services.

10. This contract shall be accepted and binding upon the Decorator by virtue of the signature subscribed to this instrument.

11. PASSED AND APPROVED this 27th day of November, A. D. 1940.

Maury Maverick  
Mayor

Attest: H. L. Dillashaw  
City Clerk

12. The foregoing instrument is accepted in all things by the undersigned duly authorized to do so this 27th day of November, 1940.

Decorative Service Company

By: Emile T. Robins  
Mgr.

\* \* \* \*

AN ORDINANCE (2599) - *OJ-155*

ACCEPTING AND APPROVING THE SECURITIES PLEDGED BY THE NATIONAL BANK OF COMMERCE OF SAN ANTONIO, TEXAS, TO SECURE THE CITY FUNDS DEPOSITED AND TO BE DEPOSITED IN SAID BANK BY THE CITY DURING THE FISCAL YEAR 1940, AND DIRECTING THE DEPOSITING OF SAID SECURITIES FOR SAFE KEEPING AND RELEASING THE SURETIES ON BONDS ON RECEIPTS NOS. 21, 22, 24 & 32, GIVEN BY SAID BANK AS CITY DEPOSITORY.

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

1. That the securities pledged with the Governing Body of the City of San Antonio by the National Bank of Commerce of San Antonio, Texas, as City Depository, to secure the funds of said City, deposited and to be deposited in said Bank during the Fiscal Year beginning June 1, 1940 and ending May 31, 1941, be and the same are hereby accepted and approved and that receipt signed by the Mayor, countersigned by the City Auditor, be given said Bank for securities pledged by it, which said securities are described as follows:

Securities pledged by the National Bank of Commerce are described in Receipts No. 25 & 27 attached to Ordinance dated June 14, 1940, Receipt No. 30 attached to Ordinance dated August 8, 1940, and attached Receipts Nos. 33 & 34, which are made a part of this Ordinance by references as fully as if they were specified herein.

2. The receipts given to said Bank for securities pledged by it shall recite, in substance, that the said securities have been duly pledged with the Governing Body of the City of San Antonio, by the National Bank of Commerce, San Antonio, Texas, as a Depository of said City, for the purpose of securing the funds of said City, deposited and to be deposited in said Bank during the Fiscal Year beginning June 1, 1940, upon the terms and conditions prescribed and provided by law.

3. It is directed that said securities be deposited by the Mayor, for safe keeping in safe deposit box in the vaults of the National Bank of Commerce rented by the City from said Bank.

4. That all securities on all bonds on Receipts Nos. 21, 22, 24 & 32, given to said City by said National Bank of Commerce, as City Depository, be and are hereby released from further liability sureties on such bonds.

5. PASSED AND APPROVED this the 5th day of December, 1940.

C. Ray Davis  
Mayor Pro Tem

Attest: H. L. Dillashaw  
City Clerk

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