Affidavit of Publisher

THE STATE OF TEXAS,
COUNTY OF BEXAR
CITY OF SAN ANTONIO

Before me, the undersigned authority, on this day personally appeared E. J. Redlinger, who being by me duly sworn, says on oath that he is ~~one of the publishers~~ Chief Accountant of the Light Publishing Company a newspaper of general circulation in the City of San Antonio, in the State and County aforesaid, and that the Legal Notice hereto attached has been published in every issue of said newspaper on the following days, to-wit:

November 29, 1947

170—Legals

PROCLAMATION
and
NOTICE OF ELECTION
To Be Held the 30th of December, A. D. 1947

WHEREAS, at a meeting of the Board of Commissioners of the City of San Antonio held in the Council Chamber at the City Hall, on the 29th day of November, 1947, the ordinance herein set out was duly and finally passed by the Board of Commissioners to take effect immediately and same has been duly approved by the Mayor, said ordinance being in words and figures as follows:

AN ORDINANCE

ORDERING AN ELECTION TO DETERMINE WHETHER OR NOT HOUSE BILL 34 PASSED AT THE REGULAR SESSION OF THE FIFTIETH LEGISLATURE TO CREATE A FIREMEN'S AND POLICEMEN'S CIVIL SERVICE IN THE CITY OF SAN ANTONIO BE ADOPTED; AND AN ELECTION TO AMEND THE CITY CHARTER OF SAN ANTONIO TO AUTHORIZE THE ISSUE OF REVENUE BONDS TO FINANCE AUTOMOBILE PARKING STATIONS AND MARKET HOUSES AND MARKET PLACES; TO BE HELD ON THE 30TH DAY OF DECEMBER, A. D. 1947.

Be it Ordained by the Commissioners of the City of San Antonio:-

1. That a special election is ordered hereby to be held in the City of San Antonio on the 30th day of December, A.D. 1947, to determine the adoption or the rejection of House Bill No. 34 passed at the Regular Session of the Fiftieth Legislature of the State of Texas, creating a Firemen's and Policemen's Civil Service in the City of San Antonio, as herein set forth in words and figures as follows:

2. FIRST PROPOSITION:

Creation of firemen's and policemen's civil service

Section 1. There is hereby established in all cities in this State having a population of ten thousand (10,000) or more inhabitants, according to the last preceding Federal Census, and having a paid Fire Department and Police Department, a Firemen's and Policemen's Civil Service.

Definitions

Sec. 2. By the term "Fireman" is meant any member of the Fire Deparmtent who draws compensation for his service as a member of said Department. By the term "Policeman" is meant any member of the Police Department who draws compensation for his services as a member of said Department. By the term "Commission" as used herein is meant the Firemen's and Policemen's Civil Service Commission. The term "Director" means Director of Firemen's and Policemen's Civil Service.

Firemen's and policemen's civil service commission

Sec. 3. There is hereby established in all such cities a Firemen's and Policemen's Civil Service Commission, which shall consist of three (3) members, to be selected as follows: Members of the Commission shall be appointed by the chief executive of any such city, and such appointment shall be confirmed by the City Council or legislative body of any such city before any such appointments shall be effective. Of the first three (3) Commissioners so selected under the provision of this Act to comprise the Commission, one (1) shall be appointed for a term of one (1) year, one (1) shall be appointed for a term of two (2) years, and one (1) shall be appointed for a term of three (3) years. Thereafter the term of office of each Commissioner shall be for three (3) years, or until a successor is appointed, confirmed, and qualified. Any such vacancies in said Commission, caused by death, resignation, or otherwise, or by failure of any appointee to qualify within ten (10) days after appointment, shall be filled in the manner hereinabove specified, and such appointment shall be for the unexpired term of the retiring Commissioner of the appointee failing to qualify.

All such Commissioners shall be of good character, resident citizens of the particular city for which they are appointed, shall have resided in said city for a period of more than three (3) years, shall each be over the age of twenty-five (25) years, and shall not have held any public office within the preceding three (3) years.

It is provided however, that in all such cities which have in existence a Civil Service Commission, that said Civil Service Commission shall constitute the Firemen's and Policemen's Civil Service Commission of that city, but said commissioner shall administer the Civil Service of Firemen and Policemen in accordance with this law.

It is further provided that in any such city which has in existence a Civil Service Commission, the appointment of members to such Civil Service Commission shall be made in conformity with provisions of this Act, after the expiration of presently existing term or terms of the members comprising such Civil Service Commission and, if necessary, in such cities having staggered terms of membership on such Civil Service Commission, the first appointment made under the provisions of this Act shall be made for terms of such number of years less than three (3) as will cause a staggered or rotating system of terms to conform with the provisions of this Act.

Organization of commission

Sec. 4. The Commissioners shall within ten (10) days after the qualification of the membership, and annually thereafter during the month of January, elect a Chairman and a Vice-Chairman.

Powers of commission

Sec. 5. Two (2) members of the said Commission shall constitute a quorum to transact business. The Commission shall make such rules and regulations for the proper conduct of its business as it shall find necessary and expedient, provided that no rules or regulations shall ever be adopted which will permit the apointment or employment of any person without good moral character; or any person unfit mentally or physically; or any person incompetent to discharge the duties of such appointment or employment. Such rules and regulations shall prescribe what shall constitute cause for removal or suspension of Firemen or Policemen, but no rule for the removal or suspension of such employees shall be valid unless it involves one or more of the following grounds:

Conviction of a felony or other crime involving moral turpitude; violations of the provisions of the charter of said city; acts of incompetency; neglect of duty; discourtesy by said employee to the public or to fellow employees while said employee is in the line of duty; acts of said employees showing a lack of good moral character; drinking of intoxicants while on duty, or intoxication while off duty; or whose conduct was prejudicial to good order; refusal or neglect to pay just debts; absence without leave; shirking duty, or cowardice at fires; violation of any of the rules and regulations of the Fire Department or Police Department or of special orders, as applicable.

Director of civil service

Sec. 6. There is hereby created the office of Director of Firemen's and Policemen's Civil Service, which shall be filled by the appointment of the Commission of some person meeting the same requirements as hereinabove provided for members of the Commission. Said Director may be either a member of the Commission, another employee of said city, or some other person. The legislative body of such city shall determine what salary, if any, shall be paid to such Director. Said Director shall at all times, be subject to removal by the Commission. He shall serve as Secretary to the Commission, and shall perform all such work incidental to the Firemen's and Policemen's Civil Service as may be required of him by the Commission.

It is provided, however, that in those cities which have a duly and legally constituted Director of Civil Service, by whatever name he may be called, said Director shall be the Director of the Firemen's and Policemen's Civil Service, but he shall administer civil service pertaining to Firemen and Policemen in accordance with this Law.

Office space

Sec. 7. The City Council or governing body of any such city shall provide adequate and suitable office space for the conduct of the business of the Commission.

Classification of firemen and policemen

Sec. 8. The Commission shall provide for the classification of all Firemen and Policemen. Such classification shall be provided by ordinance of the City Council, or legislative body. Said City Council, or legislative body, shall prescribe by ordinance, the number of positions of each classification.

Firemen and Policemen shall be classified as above provided, and shall be under civil service protection except the Chief or head of such Fire Department or Police Department, by whatever name he may be known.

Said Chiefs or Department heads shall be appointed by the Chief Executive, and confirmed by the City Council or legislative body except in cities where the Department heads are elected.

Examination for eligibility lists

Sec. 9. The Commission shall make provisions for open, competitive, and free examinations for persons making proper application and meeting the requirements as herein prescribed and as provided by the Commission in its rules and regulations for positions on an eligibility list, from which such vacancies in the Fire Department and Police Department shall be filled.

Such examinations shall, in addition to questions of general knowledge, provide for a thorough inquiry into the applicant's knowledge of and qualifications for fire fighting and work in the Fire Department, or for police work and work in the Police Department.

An applicant who has served in the armed services of the United States and who received an honorable discharge shall receive five (5) points in addition to his competitive grade.

Appropriate physical examination shall be required.

That all police officers coming under this Act must be able intelligently to read and write.

Method of filling positions

Sec. 10. When a vacancy occurs in the Fire Department or Police Department, the Fire Chief or head of the Fire Department or the Police Chief or head of the Police Department shall request in writing from the Commission the names of suitable persons from the eligibility list, and the Director shall certify to the chief executive of said city, the names of three (3) persons having the highest grades on the eligibility list, and the said chief executive shall thereupon make an appointment from said three (3) names. The appointment shall be of the person with the highest grade, except there be a valid reason why such appointment should be given to the one making the second or third highest grade. Whenever such appointment is made of one not holding the highest grade, such reasons shall be reduced to writing and filed with the Commission, and there shall be set forth plainly and clearly good and sufficient reasons why said appointment was not made to the person holding the highest grade in the event the one holding the third highest grade shall receive the appointment. In the event the person holding the highest is not certified for the appointment, he shall be furnished with a copy of the reasons therefor as filed with the Commission, and in the event the one having the third highest grade is appointed a copy of such reasons shall also be furnished to the one holding the second highest grade. This Section shall be limited by the other provisions hereof relating to promotions.

Certification of employees

Sec. 11. Whenever a person is certified and appointed in the said Fire Department or Police Department, the Director shall forward a record of the person so certified and appointed to the Fire Chief or head of the Fire Department or Police Chief or head of that Department, forward a similar copy to the chief executive, and retain a copy in the civil service files. The record shall show: The date notice of examination was posted, date on which person certified took examination to be placed on eligibility list, name of person or persons conducting examination, relative position of person on eligibility list, date when person certified took physical examination, name of physician making examination, with information as to whether or not applicant was accepted or rejected, date on which request for filing such vacancy was made, date on which applicant was notified to report for duty and date which his pay is to start. If the Director shall willfully fail to comply with any provisions of this Section, it shall be the duty of the Commission to forthwith remove him from office. The failure however, of the Director of Civil Service to comply with any of the provisions of this Section shall in no way impair the civil service standing of any employee.

Probationary and full-fledged firemen and policemen

Sec. 12. A person who has received appointment to the Fire Department or Police Department hereunder, shall serve a probationary period of six (6) months. During such probationary period, it shall be the duty of the Fire Chief or head of the Fire Department or Police Chief or head of the Police Department to discharge all Firemen or Policemen whose appointments were not regular, or not made in compliance with the provisions of this Act, or of the rules or regulations of the Commission, and to eliminate from the pay rolls any such probationary employee. When Firemen or Policemen, however, have served the full probationary period, they shall automatically become full-fledged civil service employees, shall have full civil service protection, the regularity of their appointment shall be presumed, and in any civil service hearing involving the removal or suspension of such employees, the sole inquiries shall be as to the truth or falsity of the specific charges against said employees by the Department head, as to the sufficiency of said charges, and as to what punishment, if any, should be administered. All positions in the Fire Department, except that of Chief or head of the Department, and in the Police Department, except that of Chief or head of that Department, shall be classified by the Commission and the positions filled from the eligibility lists as provided herein.

All offices and positions in the Fire Department or Police Department shall be established by ordinance of the City Council or governing body, provided, however, if the officer or employee shall have been permitted to serve the six (6) months probationary period, the service of said officer or employee shall ipso facto constitute the creation of the said position or office under a civil service classification.

Notice of examinations

Sec. 13. Ten (10) days in advance of any entrance examination or examination for promotion, the Commission shall cause to be posted on a bulletin board located in the main lobby of the City Hall, and the office of the Commission, and in plain view, a notice of such examination, and said notice shall show the position to be filled or for which examination is to be held, with date, time and place thereof, and in case of examination for promotions, copies of such notice shall be furnished in quantities sufficient for posting in the various stations or subdepartments in which position is to be filled. No one under eighteen (18) years of age shall take any entrance examination, and thirty-five (35) years shall be the maximum age for entrance into the Fire Department or Police Department.

Promotions

Sec. 14. The Commission shall make rules and regulations governing promotions, and in such rules and regulations shall make due provisions for extra credit for seniority. The Commission shall provide for promotional eligibility lists. Said promotional examinations shall relate to the knowledge and qualifications of the applicant as to fire fighting and to work of the Fire Department, and as to police work and the work of the Police Department. The Commission shall adopt rules and regulations allowing a reasonable number of points for efficiency, which may be considered in the grading of applicants in examinations for a higher position or promotion in rank. Promotions shall be made from three (3) having the highest grade on said particular promotional eligibility list as it provided for original appointments set forth in Section 10 hereof. No person shall be eligible for promotion unless he has served in such Department for at least two (2) years immediately preceding the date of such promotional examination, in the next lower position to that for which such examination is to be held, and no person with less than four (4) years actual service in such Department shall be eligible for promotion to the rank of Captain. The appointment of the Chief or head of the Fire Department or the Chief or head of the Police Department shall be made from the personnel of the Departments. In all cities having a population of ten thousand (10,000) or more inhabitants, according to the last preceding Federal Census, and having a paid Fire Department or Police Department, no one shall be appointed as the Chief or head of such Departments who has not had at least five (5) years immediate actual service in some Fire Department or Police Department within the State of Texas. The Chief or head of the Fire Department or Police Department shall be appointed by the chief executive of said city, and shall be confirmed by the City Council or legislative body.

Civil service rights of department head

Sec. 15. When the services of the Chief or head of the Fire Department or Police Department are terminated as such and he is removed as such Department head, he shall be reinstated in the Department and placed in a position lower than the rank he held at time of appointment, and he shall retain all rights of seniority in the Department; provided, that should such Department head be charged with an offense in violation of civil service rules, and be dismissed from the public service, or be discharged from his position, he shall have the same rights and privileges of a hearing before the Commission, and in the same manner and under the same conditions as may classified employees, and if the Commission should find such charges to be untrue, or unfounded, said employee shall thereupon immediately be restored to the Department as above provided, and said employee shall enjoy all the rights and privileges thereunder according to seniority, and shall be paid his full salary for the time of suspension.

Indefinite suspensions

Sec. 16. The Chief or head of the Fire Department or Police Department of the city government shall have the power to suspend indefinitely any officer or employee under his supervision or jurisdiction for the violation of civil service rules, but in every such case the officer making such order of suspension shall, within forty-eight (48) hours thereafter, file a written statement with the Commission, giving the reasons for such suspension, and immediately furnish a copy thereof to the officer or employee affected by such act, said copy to be delivered in person to such suspended officer or employee by the said Department head. Said order of suspension shall inform the employee that he has ten (10) days after receipt of a copy thereof, within which to appeal to the Commission. Any officer or employee in the Fire or Police Department so suspended shall have the right to appeal, hold an inquiry, and within ten (10) days after such inquiry render a decision stating whether or not the suspended employee shall be permanently or temporarily dismissed from the Fire Department or Police Department or be restored to his former position or status in the classified service in the Department. In the event that such suspended employee is restored to the position or class of service from which h was suspended, such employee shall receive full compensation at the rate of pay provided for the position or class of service from which he was suspended, for the actual time lost as a result of such suspension. All hearings of the Commission in case of such suspension shall be public.

The written statement above provided to be filed by the Department head with the Commission, shall not only point out the civil service rule alleged to have been violated by the suspended employee, but shall contain the alleged acts of the employee which the Department head contends are in violation of civil service rules. It shall not be sufficient for the Department head merely to refer to the provisions of the rules alleged to have been violated and in case the Department head does not specifically point out the act or acts complained of on the part of such employee, it shall be the duty of the Commission promptly to reinstate him. In any civil service hearing hereunder, the Department head is hereby restricted to his original written statement and charges, which shall not be amended, and no act or acts may be complained of by said Department head which did not happen or occur within six (6) months immediately preceding the date of suspension by the Department head. No employee shall be suspended or dismissed by the Commission except for violation of the civil service rules, and except upon a finding by the Commission of the truth of the specific charges against such employees.

In the event the Commission orders that such suspended employee be restored to his position as above provided, it shall be the duty of the Department head immediately to reinstate him as ordered and in event the Department head fails to do so, the employee shall be entitled to his salary just as though he had been regularly reinstated.

In the event such Department head willfully refuses to obey the orders of reinstatement of the Commission, and such refusal persists for a period of ten (10) days, it shall be the duty of the chief executive or legislative body of the city to discharge such Department head from his employment with the city.

The Commission may punish for contempt any Department head who willfully refuses to obey any lawful order of reinstatement of the Commission, and such Commission shall have the same authority herein to punish for contempt as has the Justice of the Peace.

Procedure before commission

Sec. 17. In order for a Fireman or Policeman to appeal to the Commission, it shall only be necessary for him to file within ten (10) days with the Commission a statement denying the truth of the charge as made, or a statement taking exception to the legal sufficiency of such charges and asking for a hearing by the Commission. In all hearings, of every kind and character, the employee shall have the right to be represented by counsel, the witnesses may be placed under the rule. All such hearings shall be public. The Commission shall have the authority to issue subpoenas for the attendance of witnesses.

Appeal to district court

Sec. 18. In the event any Fireman or Policeman is dissatisfied with the decision of the Commission, he may, within ten (10) days after the rendition of such final decision, file a petition in the District Court, asking that his order of suspension or dismissal be set aside, that he be reinstated in the Fire Department or Police Department, and such case shall be tried de novo. Such cases shall be advanced on the docket of the District Court, and shall be given a preference setting over all other cases.

Demotions

Sec. 19. Whenever the head of the Fire Department or Police Department may desire the demotion to a lower rank of an officer or employee under his supervision or jurisdiction, such Department head may recommend in writing to the Commission that such employee be so demoted, giving his reasons therefor, and requesting that the Commission make such order of demotion, furnishing a true copy of such recommendation immediately, in person, to the employee to be affected by such demotion. Said Commission shall have the authority to refuse to grant said request for demotion. If, however, said Commission feels that probable cause exists for said demotion, they shall give such employee ten (10) days advance written notice to appear before them at a time and place specified in said written notice to the employee, and said employee shall have the right to a full and complete public hearing upon such proposed demotion. The Commission shall not demote any employee without such hearing.

Disciplinary suspensions

Sec. 20. The head of either the Fire or Police Department shall have the power to suspend any officer or employee under his jurisdiction or supervision for disciplinary purposes, for reasonable periods, not to exceed fifteen (15) days; provided that in every such case, the Department head shall file with the Commission within forty-eight (48) hours, a written statement of action, and the Commission shall have the power to investigate and to determine whether just cause exists therefor. In the event the Department head falis to file said statement with the Commission within forty-eight (48) hours, the suspension shall be void and the employee shall be entitled to his full salary. The Commission shall have the power to reverse the decision of the Department head and to instruct him immediately to restore such employee to his position. In the event such Department head refuses to obey the order of the Commission, then the provisions with reference to salaries of the employees and to the discharge of the Department head as well as the other provisions of Section 16, pertaining to such refusal of the Department head, shall apply.

Reduction of force-reinstatement list

Sec. 21. In the event that any position in the Fire Department or Police Department is vacated or abolished by ordinance of the City Council, or legislative body, the employee holding such position shall be demoted to the position next below the rank of the position so vacated or abolished; provided that when any position or positions of equal rank may be abolished or vacated, the employee or employees with the least seniority in the said rank shall be the one or ones who are demoted. In the event positions in the lowest classifications are abolished or vacated, and it thereby becomes necessary to dismiss employees from the Department, the employee with the least seniority shall be dismissed, but such employees as are involuntarily separated from the Department without charges having been filed against them for violation of civil service rules, shall be placed on the reinstatement list in order of their seniority. The reinstatement list shall be exhausted before appointments are made from the eligibility list. Appointments from reinstatement list shall be in the order of seniority. Those who shall have been on any such reinstatement list for a period of three (3) years shall be reinstated upon request from the Commission.

Political activities

Sec. 22. Employees in the Fire Department or Police Department shall not be permitted to take an active part in any political campaign of another for an elective position of the city. The term active part means making speeches, passing out cards, or other political literature, writing letters, signing petitions, actively and openly soliciting votes and making derogatory remarks about candidates for such elective positions.

Publishing of rules

Sec. 23. The Commission shall cause to be published all rules and regulations which may be promulgated by it, and shall publish classification and seniority lists for each Department, and such rules and regulations and lists shall be made available upon demand.

Status of present employees

Sec. 24. Firemen or Policemen in the actual service of each city affected hereby, at the time of final passage of this Act, and entitled to civil service classification, shall enjoy the status of civil service employees without having to take any competitive examinations for the position occupied at the time, provided scch Firemen and Policemen have been in the service of said city for more than six (6) months.

Penalties

Sec. 25. Any chief executive of such city who shall willfully fail or refuse to appoint the Civil Service Commissioners provided for in Section 3 hereof, within sixty (60) days after this Act becomes effective, shall be guilty of a misdemeanor and shall be fined not less than One Hundred Dollars ($100) nor more than Two Hundred Dollars ($200), and each day of delinquency in making said appointment shall constitute a separate offense. Any chief executive or any other city official who willfully fails or refuses to put this Act into operation, or who shall willfully attempt to obstruct the operation and enforcement of this Act, shall be guilty of a misdemeanor and shall be fined not less than One Hundred Dollars ($100) nor more than Two Hundred Dollars ($200) for each offense.

The provisions of this Section shall not be deemed in conflict with the provisions of Section 16, but the exception as stated therein shall apply herein.

Sick and injury leaves of absence

Sec. 26. Permanent and temporary employees in the classified service shall be allowed a total sick leave with full pay computed upon a basis of one full working day allowed for each full month employed in a calendar year, with an extra day added for each four (4) months so as to total fifteen (15) working days to an employee's credit each twelve (12) months.

Employees shall be allowed to accumulate fifteen (15) working days or sick leave with pay in one calendar year.

Sick leave with pay may be accumulated to a total not exceeding ninety (90) days, with the privilege of an extension of sick leave in case of exhaustion of time, providing that the said employee can conclusively prove that such illness was incurred while in performance of his duties.

In the event that an employee of the Fire or Police Department for any reason leaves the classified service he shall remain on the pay roll until his accumulated sick leave is all used.

Provided that all such cities coming under the provisions of this Act shall provide injury leaves of absence with full pay for periods of time commensurate with the nature of injuries received while in line of duty for at least one (1) year. At the expiration of said one-year period, the City Council or governing body may extend such injury leave, at full or reduced pay, provided that in cities that have a Firemen's or Policemen's Pension Fund, that if said injured employee's salary should be reduced below sixty per cent (60 per cent) of his regular monthly salary, said employee shall be retired on pension until able to return to duty.

Fireman or policemen prohibited from striking

Sec. 27. It shall be unlawful from and after the passage of this Act for any Fireman or Policeman, coming under the provisions of this Act, to engage in any strike against the agency of the government by which they are employed.

Firemen or Policemen, coming under the provisions of this Act, who shall violate any of the provisions of this Act, shall be guilty of a misdemeanor and shall, after conviction, be fined not less than Ten Dollars ($10) or more than One Hundred Dollars ($100), or by confinement in the county jail for not more than thirty (30) days, or by both such fine and imprisonment.

And in addition to such fine and imprisonment, any Fireman or Policeman who has been convicted of the violation of the provisions of this Section of this Act shall thereby be automatically released and discharged from such Police or Fire Department and shall thereafter be ineligible to receive any pay or compensation out of any public funds provided for the support of such Police or Fire Department.

Sec. 27 (a). Provided, however, that the provisions of this Act shall not apply to any city unless first determined at an election which shall be called within ninety (90) days from the effective date of this Act, to be held in accordance with the State Law and the City Charter, at which the adoption or rejection of this Act shall be submitted at such election; if at such election a majority of the people voting shall favor the adoption of the provisions of this Act, it shall thereafter become the duty of said governing body to put into effect the provisions of this Act. In the event a majority of the voters in any such election reject the adoption of this Act, them such matter shall not be resubmitted to the electors for a period of one year; and thereafter, the same may be resubmitted upom a petition signed by qualified voters in said city in number not less than five per cent (5 per cent) of the total number voting in the last preceding city election, upon the filing of which the city governing body shall again resubmit the question of the adoption or rejection of this Act.

Sec. 27 (b). In any city in which the provisions of this Act have been in effect for a period of five (5) years, if a petition of ten per cent (10 per cent) of the qualified voters of such city shall be presented to the governing body of such city to call an election for the repeal of the provisions of this Act, then and in that event, the governing body of such city shall call an election of the qualified voters to determine if they desire the repeal of such provisions. Should a majority of the qualified voters so vote to repeal the provisions of this Act, then the provisions shall become null and void as to such city.

3. That at said election, voters desiring to adopt said proposition to create a Firemen's and Policemen's Civil Service as described herein, shall have printed upon their ballots the words "YES; for the adoption of House Bill 34 passed at the Regular Session of the Fiftieth Legislature to create a Firemen's and Policemen's Civil Service in the City of San Antonio".

4. That at said election, voters desiring to reject said proposition to create a Firemen's and Policemen's Civil Service and described herein, shall have printed upon their ballots the words "NO; against the adoption of House Bill 34 passed at the Regular Session of the Fiftieth Legislature to create a Firemen's and Policemen's Civil Service in the City of San Antonio".

5. That a special election is ordered hereby to be held in the City of San Antonio on the 30th day of December, A.D. 1947, in which election the proposition to add Section 58-a to l to the City Charter of the City of San Antonio to authorize the Board of Commissioners to issue revenue bonds to acquire, construct, own, maintain and lease parking stations and market houses and providing the procedure to effect such power, be submitted, as herein set forth in words and figures as follows:

6. SECOND PROPOSITION:

"Section 58-a. The City of San Antonio is authorized to acquire, construct, own maintain and lease one or more automobile parking stations, elevated, surface or subsurface; and markethouses and places; and when operated by the City, to charge fees and tolls for the use of such facilities. The City is authorized to prescribe and enforce the fees and tolls which are to be charged for such facilities by any lessee thereof, and may reserve a lien on the money collected by the lessee for such tolls and charges. The right of the City described herein is declared to be a public right and use, and such facilities constitute a public utility.

"Section 58-b. To provide for the acquisition and the construction of such facilities, the Board of Commissioners is authorized to issue negotiable revenue bonds of the City secured by a pledge of, and payable exclusively from the net revenues of such facilities. Such bonds may be secured further by a deed of trust on the parking station and market house or place constructed with the proceeds of such bonds, which may grant to the purchaser under foreclosure thereunder, a franchise to operate said properties for a term of not more than 25 years from the date of sale. The City shall not encumber any realty owned by the City which has not been acquired through purchase with any money not obtained from the sale of revenue bonds. The City is authorized to issue a separate and independent series of revenue bonds to provide for the construction of each facility or a single series of bonds may be issued to provide for the construction of any or all thereof.

"Section 58-c. Negotiable revenue bonds may also be issued by the Board of Commissioners for the purpose of refunding bonds issued under this Section, secured in the manner herein provided for original bonds. No election shall be required for the issuance of such refunding bonds.

"Section 58-d. The Revenue Bonds hereby authorized shall contain substantially the following provision:

"The holder hereof shall never have the right to demand payment of this obligation out of any funds raised or to be raised by taxation.

No such bonds shall ever be a debt of the City of San Antonio, but solely a charge upon the pledged revenues, and, if so provided in a deed of trust, a lien upon said properties, and said bonds shall never be reckoned in determining the power of the City to incur obligations payable from taxation.'

"Section 58-e. The expense of operation and maintenance of said facilities shall always be a first lien and charge against the income thereof. So long as any of said bonds or any interest thereon remain outstanding, the City shall charge or require the payment of fees and tolls for the use of said facilities which shall be equal and uniform within classes defined by the Board of Commissioners, and which shall be sufficient to pay expenses of operation, maintenance, depreciation, to pay the principal of and interest on the outstanding bonds as such principal matures and as such interest accrues, and to provide a reasonable reserve to assure payment of such principal and interest. No free rental or free service shall be allowed.

"Section 58-f. So long as any such revenue bonds are outstanding, no additional bonds of equal dignity shall be issued against the facilities constructed from the proceeds of such outstanding revenue bonds except to the extent expressly permitted by the ordinance which authorizes the outstanding bonds, or the deed of trust securing them.

"Section 58-g. No refunding bonds shall be issued until an opportunity for a referendum election shall have been afforded in the manner provided in the Bond and Warrant Law of 1931, as amended, but the Board of Commissioners may in its discretion order an election in the first instance. If such election is held, it shall be called and held in accordance with the general laws relating to City bond elections.

"Section 58-h. Before any such bonds are sold they shall be submitted to and approved by the Attorney General of Texas in the manner and with the effect provided in Articles 709 to 715, inclusive, Revised Civil Statutes of 1925.

"Section 58-i. The management and control of any such facilities during the time they are encumbered, may by the terms of such encumbrance, be placed in the hands of a board of trustees to be named in such encumbrance, consisting of not more than five members, one of whom shall be the Mayor of such city or town. The compensation of such trustees shall be fixed by such contract, but shall never exceed two per centum of the gross receipts of such facility in any one year. The terms of office of the members of such board of trustees, their powers and duties, and manner of exercising same, the election of their successors, and all matters pertaining to their organization and duties may be specified in such contract of encumbrance. In all matters where such contract is silent, the laws and rules governing the council of the City shall govern said board of trustees so far as applicable.

"Section 58-j. In the discretion of the Board of Commissioners such facilities may be leased for operation, provided that the prescribed rates shall be sufficient in the aggregate to pay the reasonable operation and maintenance expenses and an annual lease rental in an amount equal to the annual debt service requirements, plus creation of necessary reserves, of the revenue bonds issued to provide for the construction of the facility thus leased. The lease contract shall provide for payment of the annual rental in equal monthly installments and that a failure to pay the required sum when due shall constitute breach of contract entitling the City to declare the lease forfeited and to take over the operation and maintenance of such facility.

"Section 58-k No collection of fees shall accrue, and no foreclosure proceedings shall be begun in any Court or through any trustee, and no option to mature any part of any such obligation because of any default in payment of any installment of principal or interest or violation of the terms and conditions of such pledge or loan shall be exercised until ninety (90) days written notice shall be given to the Mayor of the default claimed, which notice shall date from the sending of a prepaid registered letter to each person to be notified, addressed to them at the post office in such city. If the default claimed shall have been cured before the expiration of said ninety (90) days, it shall have like effects as if no default has occurred or been claimed.

"Section 58-l. No part of the income of any such project or projects so encumbered shall be used to pay any other debt, expense or obligation of such city until the indebtedness so secured shall have been finally paid."

7. That at said election, voters desiring to adopt said proposition to amend the Charter as described herein, shall have printed upon their ballots the words "YES; for the adoption of Section 58-a to l to authorize the City to acquire, own and lease automobile parking stations, market houses and places; to charge and prescribe fees and tolls therefor; to reserve a lien on the fees and tolls; to be a public utility; to issue negotiable revenue bonds secured by pledge and payable exclusively from net revenues and by deed of trust on the facilities constructed by proceeds of bonds; to grant a franchise to purchaser under foreclosure for not more than 25 years; realty owned by City not acquired through money from sale of revenue bonds shall not be encumbered; to issue refunding negotiable revenue bonds without an election; the holder of revenue bonds shall not have the right to demand payment out of funds raised by taxation, and such bonds shall never be a debt of the City; expenses of operation and maintenance shall be a first lien and charge against the income of the facilities; fees and tolls shall be equal and uniform within classes while the obligation is unpaid; fees, tolls and rentals shall be sufficent to pay expenses and service the bonds; no free rental allowed; additional bonds of equal dignity shall not be issued while revenue bonds are unpaid except as permitted by deed of trust; refunding bonds shall be issued in accord with the Bond and Warrant Law of 1931, or at an election held by the Board of Commissioners; bonds shall be submitted to the Attorney-General for approval; management of the facilities may be put under Board of Trustees; the facilities may be leased at rates sufficient to operate the facilities and service the bonds; collection of the obligation on account of default shall be suspended 90 days after written notice to the Mayor of default which may be cured in that time; no part of the income of the encumbered project shall be used to pay a debt of the City while the bonds are unpaid".

8. That at said election, voters desiring to reject said proposition to amend the Charter as described herein, shall have printed upon their ballots the words "NO; against the addition of Section 58-a to l, to authorize the City to acquire, own and lease automobile parking stations, market houses and places; to charge and prescribe fees and tolls therefor; to reserve a lien on the fees and tolls; to be a public utility; to issue negotiable revenue bonds secured by pledge and payable exclusively from net revenues, and by deed of trust on the facilities constructed by proceeds of bonds; to grant a franchise to purchase under foreclosure for not more than 25 years; realty owned by City not acquired through money from sale of revenue bonds shall not be encumbered; to issue refunding negotiable revenue bonds without an election; the holder of revenue bonds shall not have the right to demand payment out of funds raised by taxation, and such bonds shall never be a debt of the City; expenses of operation and maintenance shall be a first lien and charge against the income of the facilities; fees and tolls shall be equal and uniform within classes while the obligation is unpaid; fees, tolls and rentals shall be sufficient to pay expenses and service the bonds; no free rental allowed; additional bonds of equal dignity shall not be issued while revenue bonds are unpaid except as permitted by deed of trust; refunding bonds shall be issued in accord with the Bond and Warrant Law of 1931, or at an election held by the Board of Commissioners; bonds shall be submitted to the Attorney-General for approval; management of the facilities may be under Board of Trustees; the facilities may be leased at rates sufficient to operate the facilities and service the bonds; collection of the obligation on account of default shall be suspended 90 days after written notice to the Mayor of default which may be cured in that time; no part of the income of the encumbered project shall be used to pay a debt of the City while the bonds are unpaid".

9. The manner of holding the elections shall be governed by the laws regulating such elections, and the ballot to be used in this shall be an "Official Ballot" arranged in such a manner that the voters at said elections may vote for or against said propositions.

10. Voting at said election shall be done by the use of voting machines; and, the Board of Commissioners of the City of San Antonio do determine hereby that voting machines shall be used for the casting of absentee votes at this election, and a voting machine shall be put in the office of the City Clerk in the City Hall at San Antonio, Texas; and, the City Clerk, or any assistant clerk, is charged to perform the functions provided by law in the casting of absentee ballots and shall hold such election, and ballots shall be cast at any time not more than 20 days nor less than 3 days prior to the date of this election; all in the manner made and provided by the statutes of the State of Texas on this subject.

11. Said election shall be held at the following polling or voting places in the several election precincts of the City of San Antonio between the hours of 7:00 o'clock A. M. and 7 o'clock P. M., Central Standard Time.

Precinct
1. Navarro School, 623 South Pecos Street
2. Briscoe School, 2003 South Flores Street
3. Burbank School, 1002 Edwards Street
4. Hillcrest School, 207 West Dittmar Street
5. Morril Ward School, 5200 South Flores Street
6. Huff Avenue School, 115 East Huff Avenue
7. Harlandale High School, West Huff Avenue
8. Stonewall Elementary School, Stonewall Street and Commercial Avenue
9. South San Antonio High School, 366 Main Avenue
10. Graebner School 530, Hoover Street
11. Collins Gardens School, 167 Harriman Place
12. Johnson School, 1811 South Laredo Street
13. Sidney Lanier High School, 1514 Durango Street
14. Crockett School, 2814 West Commerce Street
15. J. T. Brackenridge School, 1214 Guadalupe Street
16. Edgewood School, 525 Cupples and Ceralvo Street
17. Barclay School, 1112 South Zarzamora Street
18. De Zavala School, 2418 Durango Street
19. San Antonio Tech High School, 637 Main Avenue
20. Bowie School, 439 Arbor Place
21. Margile School, 601 Las Moras Street
22. Dunbar School, 1723 Ruiz Street
23. Ogden School, 2215 Leal Street
24. Coronado School, San Fernando and San Dario Streets
25. Cassanova Place, 6327 West Commerce Street
26. Fenwick School, Waverly Street
27. Nelson School, Waverly and North Elmendorf Street
28. Zion Lutheran Church Sunday School Building, Navidad and Cincinnati
29. Eleanor Brackenridge School, 831 Brooklyn Avenue
30. Fire Station No. 4, 301 Camden Street
31. Hawthorne School, 127 West Josephine Street
32. McKinley Elementary School, 400 East Magnolia Avenue
33. Travis School, 1915 Main Avenue
34. Fire Station No. 6, 503 West Russell Place
35. Mark Twain School, 2411 San Pedro Avenue
36. Beacon Hill School, 1411 West Ashby Place.
37. Woodlawn School, 1717 West Magnolia Avenue
38. Cotton School, 1616 Blanco Road
39. Fire Station No. 17, 947 West Gramercy Place
40. Fire Station No. 19, 1911 West Hildebrand Avenue
41. Thomas Jefferson High School, 723 Donaldson Avenue
42. Benjamin Franklin School, 1915 Olmos Drive West
43. Woodrow Wilson School, 1421 Clower
44. Fire Station No. 1, 801 East Houston Street
45. Fannin School, 1931 East Houston Street
46. Elizabeth Tynan School, 925 Gulf Street
47. Wheatley School, 415 Harrison Street
48. Robert E. Lee School, 700 Lamar Street
49. Fire Station No. 5, 1011 Mason Street
50. Milam School, 1103 Austin Street
51. Lamar School, 201 Parland Place
52. Alamo Stadium
53. Will Rogers Schools, 602 Maplewood
54. Austin Highway Lumber Company, Austin Highway
55. San Antonio Municipal Airport Administration Building
56. San Antonio Independent School Office, Lavaca and Matagorda Streets.
57. Burnett School Annex, 206 Newton
58. Smith School, 823 South Gevers Street
59. St. Phillips Junior College, 2120 Dakota Street
60. Poe School, Cooper and Aransas Streets
61. Douglas School, 318 Nebraska Avenue
62. Victoria Courts Office, 400 Labor Street
63. Bonham School, 926 South St. Mary's Street
64. Brackenridge High School, 1623 South St. Mary's Street
65. Highland Park School, 2011 South New Braunfels Avenue
66. Steele School, Haggin and South New Braunfels Avenue
67. Fire Station No. 20, 2903 South New Braunfels Avenue
68. Page School, 401 Berkshire Avenue
69. Riverside Park School, 202 School Street
70. Hot Wells School, 400 Hot Wells Boulevard
78. H. B. Zachry Plant, West Harding Boulevard
79. San Jose School, Pleasanton Road
90. Consolidated with Precinct No. 26, Fenwick School, Waverly Street
91. Consolidated with Precinct No. 43, Woodrow Wilson School, 1421 Clower
102 Consolidated with Precinct No. 54, Austin Highway Lumber Co., Austin Highway
107. Consolidated with Precinct No. 59, St. Phillips Junior College, 2120 Dakota Street

12. The Mayor is authorized to issue a Proclamation and Notice of Election substantially in the form hereof and he is directed to cause such Proclamation and Notice of Election to be published by posting the same at each precinct 30 days before the election and cause the same to be published in the "SAN ANTONIO LIGHT", a newspaper of general circulation published in the City of San Antonio one time 30 days before the election.

13. PASSED AND APPROVED this 29th day of November, A.D. 1947.

Alfred Callaghan,
MAYOR.

ATTEST:
J. Frank Gallagher,
City Clerk.

NOW, THEREFORE, notice is given hereby that said election will be held and conducted in the said City of San Antonio at the time and in the several places within the hours prescribed by law, in the manner set out and declared in said ordinance.

IN TESTIMONY WHEREOF, Witness my hand and the great seal of the City of San Antonio, on this 29th day of November, A.D. 1947.

(SEAL)

ALFRED CALLAGHAN,
Mayor, City of San Antonio, Texas.

ATTEST:
J. FRANK GALLAGHER,
City Clerk, City of San Antonio, Texas.