

AN ORDINANCE

ORDERING A SPECIAL ELECTION TO BE HELD IN THE CITY OF SAN ANTONIO, BEXAR COUNTY, TEXAS, ON THE 2ND DAY OF OCTOBER, 1951, TO SUBMIT TO THE QUALIFIED VOTERS OF THE CITY, AS APPEARS FROM THE TAX COLLECTOR'S ROLLS FOR THE YEAR ENDING JANUARY 31ST PRECEDING SUCH ELECTION, THE PROPOSITION OF VOTING YES OR NO ON THE ADOPTION OF A NEW CHARTER FOR THE CITY, AS SUCH NEW CHARTER WAS FRAMED BY THE CHARTER COMMISSION ELECTED BY THE VOTERS OF THE CITY ON MAY 8TH, 1951, AND PRESENTED BY SUCH CHARTER COMMISSION TO THE BOARD OF COMMISSIONERS OF THE CITY ON AUGUST 9TH, 1951, PRESCRIBING POLLING PLACES FOR SUCH ELECTION, THE NOTICE TO BE GIVEN THEREOF, THE MANNER OF CONDUCTING THE SAME AND THE OTHER REQUIREMENTS INCIDENT TO THE HOLDING OF SUCH ELECTION

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

1. That an election is hereby ordered to be held in the various voting precincts in the City of San Antonio, Texas, hereafter enumerated, on Tuesday, October 2nd, A. D. 1951, and the Mayor is hereby directed to issue his Proclamation calling said election, at which election there shall be submitted to the qualified voters of the City, as appears from the Tax Collector's Rolls for the year ending January 31st. preceding such election, the proposition of voting yes or no upon the adoption of the new Charter for the City prepared by the Charter Commission elected by the voters of the City on May 8, 1951, and as framed and presented by said Charter Commission to the Board of Commissioners of the City on August 9, 1951, the said Charter reading as follows:

2. That the Commissioners of the City of San Antonio hereby find and declare that it is impracticable to segregate the subject matter of the Charter, as has been found and declared by the Charter Commission; that the Charter is so constructed that it should be adopted in its entirety so as to enable it to work and function properly; that said Charter shall be submitted as an entirety and that it shall be voted upon by "yes" or "no" as an entirety.

3. That the form of ballot to be used at said election shall be as follows:

OFFICIAL BALLOT
CHARTER ELECTION
FOR THE CITY OF SAN ANTONIO, TEXAS,
OCTOBER 2, 1951

Shall the proposed new charter for the City of San Antonio, Bexar County, Texas, providing for the Council-Manager form of city government and the administration thereof and other matters, as framed by the Charter Commission elected by the voters of the City of San Antonio on May 8, 1951, and presented by said Charter Commission to the Board of Commissioners of the City on August 9, 1951, be adopted?

YES

NO

4. That said election shall be held by and through the use of voting machines and that voting machines shall be used for the casting of absentee votes at such election; that a voting machine for the casting of absentee votes shall be placed in the office of the City Clerk, and the City Clerk or any Assistant City Clerk is charged and designated as the person with authority to receive such absentee ballots and with authority to hold such election in accordance with the manner provided by the general laws of Texas regulating the holding of elections by the use of voting machines.

5. That said election shall be held within and throughout the City of San Antonio, Texas, and in each election precinct thereof, as said election precincts are now fixed and established; that said election shall be held during the hours required by law and at the place in each respective election precinct set out below opposite the number of each such precinct, which places are hereby designated as the polling place for each such precinct:

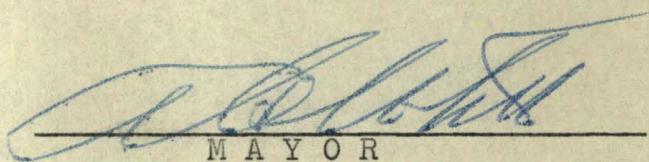
<u>PRECINCT</u>	<u>POLLING PLACE</u>
1	Navarro School, 623 S. Pecos
2	Briscoe School, 2015 So. Flores
3.	Burbank School, 1002 Edwards
4	Hillcrest School, 211 W. Dittmar
5	Morrill Ward School, 5200 S. Flores
6	Huff Avenue School, 115 East Huff Ave.
7	Harlandale High School, W. Huff Ave.
8	Stonewall Elementary School, 800 Stonewall & Commercial
9	Fire Station #25, Dwight Ave.
10	Graebner School, 530 Hoover St.
11	Collins Gardens School, 167 Harriman Place
12	Johnson School, 1811 S. Laredo Street
13	Sidney Lanier School, 1514 Durango St.
14	Crockett School, 2814 W. Commerce St.
15	J. T. Brackenridge School, 1214 Guadalupe St.
16	Edgewood School, 525 Cupples & Ceralvo
17	Barclay School, 1112 S. Zarzamora St.
18	De Zavala School, 2418 Durango St.
19	San Antonio Tech High School, 637 Main Ave.
20	Bowie School, 439 Arbor Place
21	Margile School, 1319 Morales St.
22	Dunbar School, 1723 Ruiz St.
23	Ogden School, 2215 Leal Street
24	Coronado School, San Fernando & San Dario Sts.
25	August Place, 3800 Culebra
26	Fenwick School, 1930 Waverly Ave.
27	Nelson School, 1014 Waverly & N. Elmendorf Sts.
28	Locketts Drug Store, 1851 W. Poplar
29	Eleanor Brackenridge, 831 Brooklyn Ave.
30	Fire Station No. 4, 301 Camden St.
31	Hawthorne School, 127 W. Josephine St.
32	McKinley Elementary School, 400 E. Magnolia Ave.
33	San Pedro Playhouse, San Pedro Park
34	Fire Station No. 6, 503 W. Russell Plc.,
35	Mark Twain School, 2411 San Pedro Ave.,
36	Beacon Hill School, 1411 W. Ashby Plc.
37	Woodlawn School, 1717 W. Magnolia Ave.
38	Missouri Pacific Monte Vista Station 535 W. Hollywood
39	Fire Station No. 17, 947 W. Gramercy Plc.
40	Fire Station No. 19, 1911 W. Hildebrand
41	Thomas Jefferson High School, 723 Donaldson Ave.
42	Benjamin Franklin School, 1915 Olmos Drive W.
43	Woodrow Wilson School, 1421 Clower
44	Fire Station No. 1, 801 E. Houston
45	Fannin School, 1931 East Houston St.
46	Elizabeth Tynan School, 925 Gulf St.
47	Wheatley School, 415 Harrison St.
48	Robert E. Lee School, 700 Blk. Lamar
49	Fire Station No. 5, 1011 Mason St.
50	Milam School, 1103 Austin St.
51	Pioneer Hall, Brackenridge Park
52	Alamo Stadium
53	Will Rogers School, 620 Maplewood
54	Austin Highway Lumber Co., Austin Highway

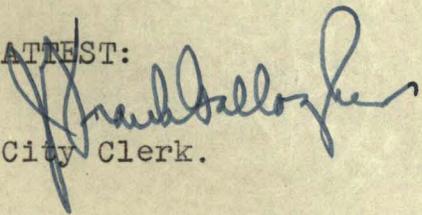
55	Municipal Airport, Fire Station No. 23
56	Fire Station #7, So. Alamo & Lavaca
57	Salvation Army, 801 Wyoming
58	Smith School, 823 S. Gevers
59	St. Phillip's Junior College, 2120 Dakota St.
60	Poe School, Cooper & Aransas Sts.
61	Douglas School, 318 Nebraska Ave.
62	Victoria Court's Office, 400 Labor
63	Bonham School, 925 S. St. Mary's
64	Brackenridge High School, 1623 S. St. Mary's St.
65	Highland Park School, 2011 S. New Braunfels Ave.
66	Steele School, Haggin & S. New Braunfels Ave.
67	Fire Station No. 20, 2903 S. New Braunfels Ave.
68	Page School, 401 Berkshire Ave.
69	Riverside School, 202 School St.
70	Hot Wells School, 400 Hot Wells Blvd.
That part of 71 within limits of City	Consolidated with Prec. #16, Edgewood School, 525 Cupples & Ceralvo
That part of 90 within limits of City	Consolidated with Prec. #128, James Madison School, 2900 W. Woodlawn Ave.
That part of 91 within limits of City	Consolidated with Prec. #122, Brown's Automotive Service Garage, 1832 Basse Rd.
That part of 103 within limits of City	Consolidated with Prec. #123, William Carney Home, 313 Laurelwood Drive
That part of 107 within limits of City	Consolidated with Prec. #66, Steele School, Haggin & S. New Braunfels
118	Gerald Ave. School., Gerald Ave. & Pleasanton Rd.
119	Collier Elementary School, Southcross Blvd.
120	Rayburn Drive School, Rayburn & Commercial Ave.
121	Harding School, Pleasanton Rd. & Harding Blvd.
122	Brown's Automotive Service Garage, 1832 Basse Rd.
123	William Carney Home, 313 Laurelwood Drive
124	W. E. Kinsley's Plc., S.W. Corner Basse & Blanco Rd.
128	James Madison School, 2900 W. Woodlawn Avenue

6. That a copy of this Ordinance shall constitute due and sufficient notice of said election and a sufficient proclamation thereof; that notice of such election shall be given by posting a copy of this Ordinance or the substance thereof in each of the election precincts above listed and at the City Hall of the City of San Antonio and by publishing this Ordinance one time in the Commercial Recorder, a newspaper of general circulation published within the City, such posting and publication to be not less than thirty (30) days prior to the date of said election.

7. That except as herein provided the manner and method of holding such election shall be governed by the laws of Texas governing and regulating the holding of general elections.

8. PASSED AND APPROVED this 22 day of August A. D. 1951.


MAYOR

ATTEST:

City Clerk.

AUG 23 1951

15832

AN ORDINANCE

ORDERING A SPECIAL ELECTION TO BE HELD IN THE CITY OF SAN ANTONIO, BEXAR COUNTY, TEXAS, ON THE 2ND DAY OF OCTOBER, 1951, TO SUBMIT TO THE QUALIFIED VOTERS OF THE CITY, AS APPEARS FROM THE TAX COLLECTOR'S ROLLS FOR THE YEAR ENDING JANUARY 31ST PRECEDING SUCH ELECTION, THE PROPOSITION OF VOTING YES OR NO ON THE ADOPTION OF A NEW CHARTER FOR THE CITY, AS SUCH NEW CHARTER WAS FRAMED BY THE CHARTER COMMISSION ELECTED BY THE VOTERS OF THE CITY ON MAY 8TH, 1951, AND PRESENTED BY SUCH CHARTER COMMISSION TO THE BOARD OF COMMISSIONERS OF THE CITY ON AUGUST 9TH, 1951, PRESCRIBING POLLING PLACES FOR SUCH ELECTION, THE NOTICE TO BE GIVEN THEREOF, THE MANNER OF CONDUCTING THE SAME AND THE OTHER REQUIREMENTS INCIDENT TO THE HOLDING OF SUCH ELECTION

8. PASSED AND APPROVED this 23 day of August A. D. 1951.

Governing and regulating the holding of general elections.

of holding such election shall be governed by the laws of Texas

7. That except as hereth provided the manner and method

shall (30) days prior to the date of said election.

within the city, such posting and publication to be not less than

Commercial Recorder, a newspaper of general circulation published

of San Antonio and by publishing this Ordinance one time in the

election precincts above listed and at the City Hall of the City

copy of this Ordinance or the substance thereof in each of the

whereof this notice of such election shall be given by posting a

copy of said Ordinance in each of said election precincts and by publishing a



W. I. O. H.

PASSED AND APPROVED
 AUG 23 1951
 Commissioners Meeting _____
Thomas Gallagher
 City Clerk
 RECORDED
 Minute Book 4 Page 501
 Ordinance Book W Page 434

- 1. Riverdale School, 400 Hoffman Blvd.
- 2. Riverdale School, 505 School St.
- 3. Rice School, 401 Berkshire Ave.
- 4. Fire Station No. 50, 503 S. New Braunfels Ave.
- 5. Steele School, Haskell & S. New Braunfels Ave.
- 6. Highland Park School, 5011 S. New Braunfels Ave.
- 7. Brackenridge High School, 1053 S. St. Mary's St.
- 8. Bonham School, 252 S. St. Mary's
- 9. Alcoa's Conduits Office, 400 Isador
- 10. Douglas School, 316 Nebraska Ave.
- 11. Poe School, Cooper & Arkansas Sts.
- 12. St. Phillip's Junior College, 5150 Dakota St.
- 13. Smith School, 823 S. Grovers
- 14. Salvation Army, 801 Wyoming
- 15. Fire Station No. 20, Alamo & Texas
- 16. Municipal Airport, Fire Station No. 23

Affidavit of Publisher

THE STATE OF TEXAS, }

COUNTY OF BEXAR
CITY OF SAN ANTONIO }

Before me, the undersigned authority, on this day personally appeared _____

Mrs. F.E. Miskimin, _____, who being by me duly sworn,

says on oath that he is ~~owner~~^s the publisher~~s~~ of the Commercial Recorder,

a newspaper of general circulation in the City of San Antonio, in the State and County aforesaid, and

that the AN ORDINANCE hereto attached has been published in

every issue of said newspaper on the following days, to-wit: _____

August 31, _____, 1951

Affidavit of Publisher

Notary Public in and for Bexar County, Texas

Mrs F.E. Miskimin

Sworn to and subscribed before me this 31st. of August, 1951

Lucy S. Vela

Notary Public in and for Bexar County, Texas

Lucy S. Vela

Proposed Charter

— for the —

City of San Antonio, Texas

Presented by

The Charter Commission of the City
of San Antonio, Texas, elected
on May 8th, 1951.

to

The Board of Commissioners of the City of
San Antonio, Texas, on August
9th 1951, to be Submitted at a

Special Election

to be held

TUESDAY OCTOBER 2, 1951

— FROM —

J. FRANK GALLAGHER, City Clerk
CITY HALL
SAN ANTONIO, TEXAS

Sec. 34.66, P. L. & R.
U. S. Postage
PAID
San Antonio, Texas
PERMIT No. 4

(Name)

(Street Address)

SAN ANTONIO, TEXAS

ARTICLE I

INCORPORATION, FORM OF GOVERNMENT AND POWERS

Section 1. INCORPORATION

2. FORM OF GOVERNMENT

3. POWERS OF CITY

Paragraph 1. General Powers

2. Annexation
3. Cooperation with State and Federal Governments
4. Eminent Domain
5. Urban Redevelopment
6. Fiscal Powers
7. Street Powers
8. Street Improvements
9. Zoning
10. Sanitary Sewer System
11. Garbage Disposal
12. Public Assistance
13. Other Powers
14. Cumulative Powers

Section 1. **INCORPORATION.** The inhabitants of the City of San Antonio in Bexar County, Texas, residing within the corporate limits of the City, as now or hereafter established in the manner provided by law or by this Charter, are hereby constituted and shall continue to be a municipal body politic and corporate under the name of the "CITY OF SAN ANTONIO," hereinafter referred to as "the City", and by that name shall have perpetual succession and shall have and succeed to all the rights, property, real, personal and mixed, immunities, powers, privileges and franchises now held, possessed and enjoyed by the City or granted herein, and shall be subject to all its present duties and liabilities, subject to the limitations prescribed in this Charter.

Section 2. **FORM OF GOVERNMENT.** The municipal government provided by this Charter shall be known as the "council-manager government." Pursuant to its provisions and subject only to the limitations imposed by the State Constitution and by this Charter, all powers of the City shall be vested in an elective council, hereinafter referred to as "the Council", which shall enact local legislation, adopt budgets, determine policies and appoint the City Manager, who shall execute the laws and administer the government of the City. All powers of the City shall be exercised in the manner prescribed by this Charter, or if the manner be not prescribed, then in such manner as may be prescribed by ordinance.

Section 3. POWERS OF CITY.

Paragraph 1. **General Powers.** The City may sue and be sued, plead and be impleaded in all courts, have a corporate seal, contract and be contracted with, ordain and establish such acts and regulations and ordinances not inconsistent with the Constitution and laws of this State and this Charter as shall be needed for the government, interest, welfare and good order of the City and the interest, welfare, health, morals, comfort, safety and convenience of its inhabitants; the City may purchase, take, hold, acquire and convey, lease, mortgage and dispose of any property whatever within the City limits. The City may acquire necessary property for sewer, sanitary, cemetery, waterworks, gas, electric light and power, and any other corporate purposes by purchase, condemnation or other means within or without the City limits, and may lease, convey and alienate the same. Except as prohibited by the Constitution and laws of Texas or as restricted by this Charter, the City shall have all municipal powers, functions, rights, privileges and immunities of every name and nature whatsoever, now or hereafter granted by the Constitution and laws of Texas, including without limitation the powers conferred expressly and permissively by Chapter 147, page 307, of the Acts of the Thirty-third Legislature, Regular Session, enacted in 1913 pursuant to the Home Rule Amendment to the Constitution of Texas, known as the Enabling Act, as now or hereafter amended, all of which are hereby adopted. The Council is expressly authorized to adopt any rule or regulation deemed necessary, advisable or convenient for the purpose of exercising any power expressly or permissively conferred by such Act. The City shall have the powers conferred by the provisions of House Bill No. 166, Acts of the Fifty-First Legislature, Regular Session, as now or hereafter amended, which Act is hereby adopted.

Paragraph 2. **Annexation.** The City shall have power, by ordinance, to fix and change the bounds and limits of the City and to provide for the extension of the said bounds and limits and the annexation of additional territory lying adjacent to the City with or without the consent of the territory and the inhabitants thereof annexed; provided, however, that upon introduction of such an ordinance, or any amendment thereto, it shall be published one time, prior to its final passage, in some daily newspaper published in the City and such ordinance shall not be thereafter finally passed until at least thirty days have elapsed after publication. The City shall likewise have power to annex additional territory, lying adjacent to the City, and the inhabitants thereof, as may be authorized by, and in the manner and form prescribed by any general law of Texas.

Paragraph 3. **Cooperation with State and Federal Governments.** The City may cooperate and contract with the govern-

ment of the State of Texas or any agency or political subdivision thereof, and with the government of the United States of America, or any agency or department thereof, to accomplish any lawful purpose for the interest, welfare, health, morals, comfort, safety and convenience of the City or its inhabitants.

Paragraph 4. **Eminent Domain.** The City shall have the power of eminent domain where necessary or desirable to execute any power conferred upon it by this Charter, or by the Constitution or laws of Texas and may condemn either private or public property whether in or out of the corporate limits of the City for such purposes, upon payment of fair compensation for the property taken. Such power may be exercised in any manner authorized by the Constitution or laws of Texas, or as may be prescribed by ordinance. The City may condemn the fee or any lesser interest in the property taken, and may condemn for any public purpose whether specifically stated herein or not.

Paragraph 5. **Urban Redevelopment.** The City may adopt, modify and carry out plans for the clearance and redevelopment of slum districts or blighted areas within the City, as such districts or areas may be defined by ordinance as to character, nature, location and extent. For the accomplishment of these public purposes, which may be further defined by ordinance, the City may acquire by purchase or by condemnation all privately owned land, buildings and other property interests within such districts or areas. The City may establish, locate, relocate, build and improve any streets or other public open spaces provided for in any plan so adopted. Pending the final clearance and redevelopment of such district or area, the City may maintain, lease or sell any buildings or other improvements thus acquired. The City may sell the land, or any part thereof in such districts or areas, which is designated for private or public buildings or for private open spaces upon such terms, covenants and conditions and subject to such restrictions, excluding rent control by the City, as to building uses and open spaces, as will substantially carry out the plans adopted by the City for the clearance and redevelopment of such districts or areas; provided, however, that land so disposed of shall contain a covenant which shall run with such land precluding its sale to or use by any public housing agency. Before any plan is finally adopted by the City, a public hearing shall be held thereon by the Council, and, thirty days prior to such hearing, notice of its time and place shall be published one time in a newspaper published in the City and shall be sent by mail to the record owners of the property interests included within the district or area covered by any plan.

Paragraph 6. **Fiscal Powers.** The City shall have the power to:

(1) Assess, levy and collect taxes for general and special purposes on all lawful subjects of taxation in accordance with the laws of Texas and this Charter.

(2) Provide for the payment of the current expenses and of the debts of the City.

(3) Borrow money on the faith and credit of the City by the issue or sale of bonds or notes of the City.

(4) Borrow money on the faith and credit of any improvement district heretofore or hereafter established in the City by the Council, and issue bonds therefor for permanent public improvements in such districts.

(5) Levy and collect special assessments for local improvements.

(6) Levy an occupation tax on any person, corporation, partnership, engaged in any business, occupation or calling in accordance with the laws of Texas.

(7) Levy an annual tax and appropriate funds for the purpose of advertising the City in order to increase its growth, improve the same and benefit its inhabitants.

Paragraph 7. **Street Powers.** The City of San Antonio shall have the power to lay out, establish, open, alter, widen, lower, extend, grade, abandon, discontinue, abolish, close, care for, pave, supervise, maintain and improve streets, alleys, sidewalks, parks, squares, public places and bridges; and regulate the use thereof and require the removal from streets, sidewalks, alleys and other public property or places of all obstructions and encroachments of every nature or character thereon.

Paragraph 8. **Street Improvements.** The City shall have exclusive dominion, control and jurisdiction in, upon, and over and under the public streets, avenues, alleys, highways, and public ways of the City, and may provide for the improvement thereof by paving, re-paving, raising, draining; or otherwise. The provisions, without limitations, of Chapter 106, page 489, Fortieth Legislature, First Called Session, Acts 1927, and/or the provisions, without limitations, of Chapter 14 of the Acts of the Thirty-First Legislature, Second Called Session, page 402, known as the Street Improvement Law, enacted in 1909, together with all amendments now existing or hereafter enacted are expressly adopted. Such exclusive dominion, control and jurisdiction in, upon, over and under the public streets, avenues, alleys, highways and public ways, of the City shall also include, but not be limited to, the power to regulate, locate, relocate, remove, or prohibit the location of, all utility pipes, conduits, lines, poles, wires or other property of any public utility.

Paragraph 9. **Zoning.** For the purpose of promoting the health, safety, morals or general welfare of the City, the Council may by ordinance regulate the location, height, bulk and size of buildings and other structures, the size of yards, courts and other open spaces, and the use of buildings, structures and land for trade, industry, business, residence or other pur-

poses. Such ordinances may provide that the zoning board of appeals may, in appropriate cases and subject to appropriate principles, standards, rules, conditions and safeguards set forth in the ordinance, make special exceptions to the terms of the zoning regulations in harmony with their general purpose and intent. Such ordinances may provide that the zoning board of appeals may authorize variances from the strict application of the regulations in such cases and subject to such limitations as may be set forth in ordinance. All of the powers granted by Title 28, Chapter 4, Articles 1011A to 1011J, both inclusive, of the 1925 Revised Civil Statutes of Texas, as amended, together with all amendments now existing or hereafter enacted, are hereby adopted.

Paragraph 10. Sanitary Sewer System. The City shall have the power to provide for a sanitary sewer system and to require property owners to connect their premises with such sewer system; to provide for fixing penalties for failure to make sanitary sewer connections; and shall further have the right to fix charges and compensation to be charged by the City for sewerage service and make rules and regulations for the collection thereof.

Paragraph 11. Garbage Disposal. The City shall have the right by ordinance to adopt and prescribe rules and regulations for the handling, collection and disposition of all garbage, trash and rubbish within the City and to fix and collect charges for the removal thereof.

Paragraph 12. Public Assistance. The City may appropriate its funds, in the exercise of a governmental function, for the assistance of needy persons to provide for them the basic necessities of life in accordance with categories of such persons as may be defined by ordinance;

Paragraph 13. Other Powers. The City shall have power to:

(1) Provide for, acquire, construct, regulate, protect and maintain public buildings, works, improvements, parks, gardens, and recreational facilities of any nature.

(2) License and regulate persons, corporations, partnerships and associations engaged in any business, occupation or calling.

(3) License and regulate vehicles operated for hire and fix and regulate the rates to be charged therefor.

(4) License and regulate all places of public amusement.

(5) Define and prohibit the maintenance of any nuisance within the corporate limits of the City and within the territory outside of the corporate limits of the City which is within five thousand feet of the said corporate limits, and abate such nuisances by summary proceedings and provide for the punishment of the authors thereof.

(6) Define, prohibit, abate, suppress and prevent all things or any acts detrimental to the health, morals, comfort, safety, convenience and welfare of the inhabitants of the City.

(7) Regulate the construction and height of and materials used in all buildings and structures within the City, and provide for their inspection and make, prosecute, and enforce regulations governing the same.

(8) Regulate the maintenance and use of all buildings and structures in the city.

(9) Fix standards of weights and measures and provide for their inspection.

(10) Regulate the filing of plats of any subdivision of property in or out of the City in accordance with the laws of Texas or as may be prescribed by ordinance; and to require that streets, sidewalks, curbs, street signs, utilities and public open spaces of all subdivisions to be established shall be designed, constructed and installed in accordance with standards established by the City.

(11) Compel the laying of sidewalks by property owners in front of or abutting their land, in accordance with specifications prescribed by the City; and compel the repair of such sidewalks in like manner.

(12) Direct and control the laying of all tracks required for public transportation on any street, alley, public way or public place in the City.

(13) Regulate the sale of tickets or issuance of passes or other evidences of the right to travel on any public transportation system using the streets, alleys, public ways or public places of the City.

(14) Provide for a license fee on animals and regulate, restrain and prohibit the running at large or keeping of animals and fowls in the City.

(15) Provide for the regulation and inspection of all bakeries and dairies in the City, and of all bakeries and dairies located outside of the City from which products are sold in the City; and for the inspection of all cows from which milk is sold in the City; and prescribe fees to be charged in connection with such regulation and inspection, and prescribe standards for the quality of all bakery and dairy products sold in the City.

(16) Provide for the inspection of meat, fish, vegetables, fruit and every or any food or food product offered for sale in the City; and provide for inspection, before slaughter, of all animals to be offered for sale in the City.

(17) Provide for the erection and maintenance of market houses.

(18) Establish fire zones of various classifications.

(19) Adopt and enforce all necessary police, health and sanitary regulations.

(20) Adopt and enforce such regulations and penal ordinances as may be necessary for maintaining and promoting the peace, lives, health, security and property of the inhabitants for promoting the good government and welfare of the City, and for the performance of all municipal functions.

(21) Provide suitable penalties for the violation of any regulations enacted by the City.

(22) Exercise jurisdiction over all property owned by the City whether within or without the corporate limits of said City.

(23) Acquire, own, operate and maintain any character of public utility, including, without limitation, water, gas, light, power, telephone, telegraph and transportation systems, by any lawful means.

Paragraph 14. Cumulative Powers. The enumeration of particular powers and the specification of the manner of exercising the same by this Charter shall never be deemed to be exclusive nor construed as a limitation upon the general powers herein granted or upon their exercise in any other lawful manner, and in addition to the powers enumerated herein or implied thereby, or appropriate to the exercise of such powers, it is intended that the City shall have and may exercise all powers it would be competent for this Charter specifically to enumerate.

ARTICLE II

THE CITY COUNCIL

- | | |
|---------|--|
| Section | 4. CREATION, COMPOSITION AND POWERS |
| | 5. TERMS OF OFFICE |
| | 6. COMPENSATION |
| | 7. FORFEITURE OF OFFICE |
| | 8. VACANCIES |
| | 9. MAYOR AND MAYOR PRO TEM |
| | 10. CITY CLERK |
| | 11. MEETINGS OF THE CITY COUNCIL |
| | 12. COUNCIL RULES |
| | 13. QUORUM |
| | 14. INTRODUCTION AND PASSAGE OF ORDINANCES AND RESOLUTIONS |
| | 15. WHEN ORDINANCES AND RESOLUTIONS TAKE EFFECT - EMERGENCY MEASURES |
| | 16. RECORDING OF ORDINANCES, RESOLUTIONS AND MINUTES |
| | 17. PUBLICATION OF ORDINANCES |
| | 18. RESOLUTIONS |

Section 4. CREATION, COMPOSITION AND POWERS. There is hereby created as the governing body of the City a Council which shall consist of nine members, each of whom shall be elected to and occupy a place, such places being numbered respectively, 1, 2, 3, 4, 5, 6, 7, 8, and 9. Each member of the Council shall be a citizen of Texas, a qualified elector of the City, shall have resided in the City at least one year prior to filing his application for election and must reside in the City during his term of office. No member of the Council may hold any other public office or employment for which compensation is paid by the City or Bexar County, Texas. Subject to the provisions of this Charter, the Council shall have and exercise all powers now or hereafter conferred on the City; shall succeed to all powers heretofore vested in any former governing body of the City; shall have the general care, management and control of the City, its property and finances, and shall enact, alter, modify or repeal all ordinances and resolutions not repugnant to this Charter and the Constitution and laws of Texas.

Section 5. TERMS OF OFFICE. The terms of office of all members of the Council elected at a regular municipal election shall be for two years beginning on the first day of May next following their election; provided, however, that the terms of office of all members of the Council elected at the first election for members of the Council shall begin on January 1, 1952, and expire on April 30, 1953.

Section 6. COMPENSATION. Each member of the Council shall receive as compensation for his services as such member the sum of Twenty Dollars for each meeting of the Council attended, provided that the total of such compensation shall not exceed One Thousand and Forty Dollars per annum.

Section 7. FORFEITURE OF OFFICE. Any member of the Council who ceases to possess the required qualifications for office; or who is convicted, while in office, of a felony or misdemeanor involving moral turpitude shall forfeit his office, which forfeiture shall be declared and enforced by a majority vote of the Council.

Section 8. VACANCIES. Vacancies in the Council arising from any cause shall be filled by a majority vote of the remaining members for the unexpired term only and provided the successor shall possess all qualifications required for the office.

Section 9. MAYOR AND MAYOR PRO TEM.

Paragraph 1. As soon as possible after a municipal election of members of the Council, and upon their qualification

for office, the Council shall designate from its members a presiding officer, who shall have the title of Mayor, and who shall serve as such during the pleasure of the Council. The Mayor shall receive, in addition to compensation as a member of the Council, the sum of Three Thousand Dollars per annum:

Paragraph 2. At the same time that the Mayor is designated, another member shall be designated as Mayor Pro Tem.

Should a vacancy occur in the office of the Mayor, or in case of the absence or disability of the Mayor, the Mayor Pro Tem shall act as Mayor for the unexpired term, or during the absence or disability of the Mayor. While serving as Mayor, the Mayor Pro Tem shall receive the same compensation as the Mayor.

Paragraph 3. The Mayor, the Mayor Pro Tem and any member of Council may be paid such expenses in connection with their official duties as may be provided by the Council.

Section 10. **CITY CLERK.** The Council shall choose a City Clerk, who shall keep the records of the Council and of the City, and who shall perform such other duties as may be required by this Charter or the Council. All civil process to the City shall be served upon the City Clerk. Other officers and employees in the office of the Clerk shall be in the classified civil service of the city, and, shall be appointed and may be removed by the City Manager.

Section 11. **MEETINGS OF THE COUNCIL.** All meetings of the Council shall be held in the City Hall at such times as may be prescribed by ordinance or resolution; but not less than one regular meeting shall be held each week, unless postponed for reasons to be spread on the minutes which shall be kept of all Council meetings. Special meetings of the Council shall be called by the City Clerk upon the written request of the Mayor, the City Manager or three members of the Council. All meetings of the Council and of any committees thereof shall be open to the public.

Section 12. **COUNCIL RULES.** The Council shall determine its 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 seven members, may expel a member from a Council meeting for disorderly conduct or the violation its rules.

Section 13. **QUORUM.** A majority of the members of the Council shall constitute a quorum to do business, but a lesser 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 Council may vote, a majority vote of all members of the Council in office shall be necessary for adoption. In the event of the existence of five or more vacancies, the remaining members shall constitute a quorum and may conduct all necessary business until such vacancies are filled. In all matters upon which the Council votes, the individual votes shall be recorded by the Clerk in the minutes of the Council, and shall be a public record.

Section 14. **INTRODUCTION AND PASSAGE OF ORDINANCES AND RESOLUTIONS.** Ordinances and resolutions shall be introduced in the Council only in written or printed form. The enacting clause of all ordinances shall be "Be it ordained by the City Council of the City San Antonio."

Section 15. **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 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 six members of the 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 preservation of the public peace, property, health or safety, in which the emergency is set forth, and may be made effective immediately upon enactment. 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 16. **RECORDING OF ORDINANCES, RESOLUTIONS, AND MINUTES.** Each ordinance or resolution and the minutes of the Council shall be recorded as soon as practicable by the City Clerk in well bound books, which shall be public records. Ordinances shall be authenticated by the signature of the Mayor and the City Clerk and shall be systematically recorded in an ordinance book in a manner approved by the Council. It shall only be necessary to record the caption or title of ordinances in the minute book of the Council meetings.

Section 17. **PUBLICATION OF ORDINANCES.** Every ordinance imposing any penalty, fine or forfeiture for a violation of its provisions shall, after passage thereof, be published for one time in a newspaper published in the City. Proof of such publication by the printer or publisher of such newspaper made by affidavit before any officer authorized to administer oaths and filed with the City Clerk shall be conclusive evidence of the legal publication and promulgation of such ordinance in all courts and elsewhere. Such publication may consist of the full text of the ordinance, or a substantive condensed statement of the nature and purpose of the ordinance and the penalty for violation thereof. The penalty, fine or forfeiture shall apply five days after publication.

The Council may adopt any code or codification of ordinances or parts thereof, and may amend and correct such ordinances therein for the purpose of general distribution, and when so adopted and contained in printed, multigraphed or mimeographed form, publication of such code thereof need not be made other than by publication of the ordinance or resolution adopting the same, provided that three copies of such code or codification are

filed for permanent record and inspection in the office of the City Clerk prior to the adoption thereof.

Any administrative rules or regulations of any department of the City or of the State 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 made effective in the City by reference thereto in an ordinance, provided three (3) copies thereof are filed for permanent reference and inspection in the office of the City Clerk prior to the adoption thereof.

Section 18. **RESOLUTIONS.** The Council, or a majority thereof, may act by resolution in all cases except where an ordinance is by this Charter required; provided, that no contract on the part of the City shall be made or authorized, nor any money appropriated from the funds of the City nor any franchise or privilege for the use of any of the public streets or other public places of the City be granted or renewed, nor any lands of the City be conveyed or leased, nor authority for such conveyance or lease given otherwise than by ordinance.

ARTICLE III

MUNICIPAL ELECTIONS

- Section 19. **REGULAR AND SPECIAL ELECTIONS**
- 20. **REGULATION OF ELECTIONS**
- 21. **FILING OF CANDIDATES**
- 22. **BALLOTS**
- 23. **NOTICE OF ELECTIONS**
- 24. **RETURNS AND CANVASS THEREOF**
- 25. **RUNOFF ELECTIONS**

Section 19. **REGULAR AND SPECIAL ELECTIONS.** The regular election of members of the Council shall be held on the first Tuesday in April in odd-numbered years. The Council may, by ordinance, order a special election, fix the time of holding same, and provide all means for holding such special election, which shall be held as nearly as practicable according to the provisions for a regular election. Provided, however, that the first election under this Charter for Members of Council shall be held on the second Tuesday in November, 1951. The existing governing body of the City shall pass all ordinances and perform all acts necessary and incident to calling and holding such first election under this Charter.

Section 20. **REGULATION OF ELECTIONS.** All elections shall be held in accordance with the provisions of the general laws of Texas regulating the holding of elections by the use of voting machines, except as provided herein; provided, however, the Council shall have power to make rules and regulations not inconsistent with this Charter or the general laws of this State for the conduct of elections or for the prevention of frauds in elections.

Section 21. **FILING OF CANDIDATES.** Any qualified person who desires to become a candidate for an office of Member of Council shall file with the City Clerk a sworn application for a designated place on the ballot at least thirty days prior to the election of members. Such candidate shall comply with the requirements of all laws of the State of Texas which prescribe procedures for the filing of candidates for elective municipal offices.

Section 22. **BALLOTS.** The City Clerk shall make up the official ballots from the names of candidates who have filed applications, and the placing of the names of the candidates on the ballots under each place number shall be determined by lot. The drawing of lots for the placing of the names of candidates shall be by the City Clerk, and all candidates, or designated representatives, may be present at such drawing. The City Clerk shall have the general responsibility for and supervision of the preparation of all election supplies, forms, and ballots, and shall be generally charged with the duty of arranging for and holding of all elections.

Section 23. **NOTICE OF ELECTIONS.** The Council shall call all regular and special elections by ordinance, and notice of all elections shall be given by the City Clerk by publishing the substance of the ordinance calling such election one time in a daily newspaper published in the English language in the City not less than thirty days before the date of the election.

Section 24. **RETURNS AND CANVASS THEREOF.** The returns of an election shall be made in triplicate. The presiding officer of each election precinct shall deliver one copy to the City Clerk, one copy to the Mayor, and shall retain one copy. The City Council shall canvass the returns and declare the results of an election on the first day following such election. In canvassing election returns, the Council shall have power to subpoena witnesses and compel the production of all pertinent books, records and papers.

Section 25. **RUNOFF ELECTIONS.** In the event any candidate for any place for the office of Member of Council fails to receive a majority of all votes cast for such place at any regular or special municipal election, the Mayor shall, on the first day following the completion of the official count of ballots cast at such election issue a call for a second election to be held on the second Tuesday 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 shall again be voted for. The provisions of Chapter 80, page 98, Acts of the Forty-Seventh Legislature, 1941, being Article 2997c, Texas Revised Civil Statutes, as amended, are hereby adopted and shall govern such second or runoff elections.

ARTICLE IV

RECALL, INITIATIVE, AND REFERENDUM

- Section 26. RECALL PROVISIONS
- 27. SIGNATURES TO PETITIONS
- 28. FILING, EXAMINATION, AND CERTIFICATION OF RECALL PETITIONS
- 29. AMENDMENT OF PETITIONS
- 30. RECALL ELECTION ORDERED
- 31. BALLOTS IN RECALL ELECTION
- 32. RESULT OF RECALL ELECTION
- 33. LIMITATIONS ON RECALL PETITIONS
- 34. POWER OF INITIATIVE
- 35. POWER OF REFERENDUM
- 36. FORM OF PETITIONS
- 37. FILING, EXAMINATION AND CERTIFICATION OF PETITIONS
- 38. AMENDMENT OF PETITIONS
- 39. EFFECT OF CERTIFICATION OF REFERENDUM PETITION
- 40. CONSIDERATION BY COUNCIL
- 41. SUBMISSION TO ELECTORS
- 42. FORM OF BALLOT FOR INITIATED AND REFERRED ORDINANCES
- 43. RESULTS OF ELECTION
- 44. REPEALING ORDINANCES; PUBLICATION

Section 26. **RECALL PROVISIONS.** Any member of the Council may be removed from office by recall. A petition stating the general grounds on which removal is sought may be signed by qualified electors equal in number to ten per cent of those electors who were qualified to vote at the time of the last regular municipal election and shall be filed by any qualified elector of the City with the City Clerk, provided, however, that separate petitions shall be circulated with respect to each Member of Council whose removal is sought.

Section 27. **SIGNATURES TO PETITIONS.** The signatures to recall petitions need not all be appended to one petition and may be duplicated and assembled, but to each separate paper there shall be attached an affidavit of the circulator and such paper shall be invalid without such affidavit. Each signer of any petition paper shall, after his signature, show the place of residence by street and number or other description sufficient to identify the voting precinct. An affidavit attached to each petition or duplicate shall be as follows:

State of Texas
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, 19.....

Notary Public

Section 28. **FILING, EXAMINATION, AND CERTIFICATION OF RECALL PETITIONS.** All petition papers comprising a recall petition shall be assembled and filed with the City Clerk as one instrument. Within twenty days after filing, 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 electors. Upon completing his examination, the City Clerk shall certify the result thereof to the Council. If he should certify that the petition is insufficient, he shall set forth in his certificate the particulars in which it is defective; provided, however, that except as to the particulars certified to be defective, the petition shall be deemed to be valid in all other respects.

Section 29. **AMENDMENT OF PETITIONS.** A recall petition may be amended at any time within twenty days after certification 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 supplement is filed, examine the supplementary petition and, if his certificate shall show the petition still to be insufficient, he shall file it in his office and notify the person filing and no further action shall be had on such insufficient petition. The finding of the insufficiency of a petition shall not prevent the filing of a new petition for the same purpose.

Section 30. **RECALL ELECTION ORDERED.** If a recall petition, or amended petition be certified by the City Clerk to be sufficient, he shall at once submit it to the Council and notify the Member of Council whose removal is sought of such action. The Council shall order a recall election which shall be held not less than thirty nor more than forty days after the petition has been presented to the Council, and at the same time as any other special or general election held within such period. If no such

election is to be held, the Council shall call a special election. Should the Member of Council whose removal is sought resign prior to said recall election, then no election shall be held.

Section 31. **BALLOTS IN RECALL ELECTION.** Ballots used in recall elections shall read as to each member of the Council whose removal is sought as follows: "SHALL (name of person) BE REMOVED FROM THE CITY COUNCIL BY RECALL?" Below such question there shall be printed the following as to each member:

- "For the recall of (name of person)."
- "Against the recall of (name of person)."

Section 32. **RESULT OF RECALL ELECTION.** If a majority of the votes cast be against recall of a member, 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 a member he shall, regardless of any defect in the recall petition, be deemed removed from office and a successor shall be appointed.

Section 33. **LIMITATIONS ON RECALL PETITIONS.** No recall petition shall be filed against a member of the 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 34. **POWER OF INITIATIVE.** The electors shall have power to initiate any ordinance, except ordinances appropriating money, levying a tax, granting a franchise, or fixing public utility rates, and to adopt or reject the same at the polls; provided, however, that the foregoing limitations on initiated ordinances shall not apply to any ordinance initiated pursuant to the provisions of Article I, Section 3, Paragraph 12 of this Charter. Any initiated ordinance may be submitted to the Council by a petition signed by qualified electors of the City equal in number to ten per cent of the electors qualified to vote at the time of the last regular municipal election.

Section 35. **POWER OF REFERENDUM.** The electors shall have power to approve or reject at the polls any ordinance passed by the Council save one appropriating money, levying taxes, or fixing public utility rates, or any ordinance submitted by the Council of its own initiative to a vote of the electors; provided, however, that the foregoing limitation on ordinances subject to a referendum shall not apply to any ordinance enacted pursuant to the provisions of Article I, Section 3, Paragraph 12 of this Charter. Ordinances submitted to the Council by initiative petition and passed by the Council shall be subject to the referendum in the same manner as other ordinances. Within forty days after the enactment by the Council of any ordinance which is subject to a referendum, a petition signed by qualified electors of the City equal in number to at least ten per cent of the electors qualified to vote at the last preceding regular municipal election may be filed with the City Clerk requesting that any such ordinance be either repealed or submitted to a vote of the electors.

Section 36. **FORM OF PETITIONS.** All petition papers circulated for the purpose of an initiative or referendum shall be uniform in size and style. Initiative petition papers shall contain the full text of the proposed ordinance. The signatures to initiative or referendum petitions need not all be appended to one paper, but to each separate paper there shall be attached a statement of the circulator that he personally circulated the foregoing paper, that all the signatures appended 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. Each signer of any such petition paper shall sign his name in ink or indelible pencil and shall indicate after his name his place of residence by street and number, or other description sufficient to identify the voting precinct.

Section 37. **FILING, EXAMINATION AND CERTIFICATION OF PETITIONS.** All petition papers comprising a 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 has a proper statement of the circulator and whether the petition is signed by a sufficient number of qualified electors, and shall hold any petition paper entirely invalid which does not have attached thereto the statement signed by the circulator thereof. The City Clerk shall certify the result of his examination to the Council at its next regular meeting. 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 person filing same of his findings.

Section 38. **AMENDMENT OF PETITIONS.** A petition may be amended at any time within twenty days after the notification of insufficiency has been sent 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 is filed, examine the amended petition and, if the petition be still insufficient, he shall file his certificate to that effect in his office and notify the person filing of his findings and no further action shall be had on such petition. The finding of the insufficiency of a petition shall not prevent the filing of a new petition for the same purpose.

Section 39. **EFFECT OF CERTIFICATION OF REFERENDUM PETITION.** When a referendum petition, or amended petition, has been certified as sufficient, the ordinance specified in the petition shall not go into effect, or further action thereunder shall be suspended if it be in effect, until and unless approved by the electors.

Section 40. **CONSIDERATION BY COUNCIL.** Whenever the Council receives a petition from the City Clerk, it shall be immediately considered. A proposed initiative ordinance shall be read and provision shall be made for a public hearing. The Council shall take final action on the ordinance not later than sixty days after the date on which such ordinance was sub-

mitted to the Council by the City Clerk. A referred ordinance shall be reconsidered and the Council shall, within thirty days, vote upon the question, "Shall the ordinance be repealed?"

Section 41. **SUBMISSION TO ELECTORS.** If the Council shall fail to pass an ordinance proposed by initiative petition, or shall pass it in a form different from that set forth in the petition therefor, or if the Council fail to repeal a referred ordinance, the proposed or referred ordinance shall be submitted to the electors at a special or regular municipal election not less than thirty nor more than ninety days from the date the Council takes its final vote thereon.

Section 42. **FORM OF BALLOT FOR INITIATED AND REFERRED ORDINANCES:** Ordinances submitted to a vote of the electors in accordance with the initiative and referendum provisions of this charter shall be submitted by ballot title which shall contain a clear, concise statement, without argument, of the substance of such ordinance. The ballot used shall have below the ballot title the following propositions, one above the other, in the order indicated: "FOR THE ORDINANCE" and "AGAINST THE ORDINANCE." Any number of ordinances may be voted on at the same election and may be submitted on the same ballot.

Section 43. **RESULTS OF ELECTION.** If a majority of the electors voting on a proposed initiative ordinance shall vote in favor thereof, it shall thereupon be an ordinance of the city. A referred ordinance which is not approved by a majority of the electors voting thereon shall thereupon be deemed repealed. If conflicting ordinances are approved by the electors at the same election, the one receiving the greatest number of affirmative votes shall prevail to the extent of such conflict.

Section 44. **REPEALING ORDINANCES; PUBLICATION.** Initiative and referendum ordinances adopted or approved by the electors shall be published and may be amended or repealed by the council, as in the case of other ordinances; provided, however, that no ordinance adopted at the polls under the initiative or referendum shall be amended or repealed by the council within six months of adoption.

ARTICLE V

THE ADMINISTRATIVE SERVICE

Section 45. THE CITY MANAGER

Paragraph 1. Selection

2. Appointment and Removal

46. POWERS AND DUTIES OF THE CITY MANAGER

47. COUNCIL MEMBERS NOT TO INTERFERE

48. INVESTIGATIONS

49. BOARDS, COMMISSIONS, COMMITTEES AND AUTHORITIES

50. ADMINISTRATIVE DEPARTMENTS

51. DIRECTORS OF DEPARTMENTS

52. DEPARTMENT DIVISIONS

53. CITY ATTORNEY; HEAD OF LEGAL DEPARTMENT

54. CITY ATTORNEY; POWERS AND DUTIES

55. DIRECTOR OF FINANCE; QUALIFICATIONS

56. FINANCE DEPARTMENT; POWERS AND DUTIES

57. CHIEF OF POLICE; APPOINTMENT AND REMOVAL

58. AUTHORITY AND DUTIES OF POLICEMEN

59. CHIEF OF FIRE DEPARTMENT; APPOINTMENT AND REMOVAL

60. DIRECTOR OF PUBLIC WORKS; HEAD OF DEPARTMENT

61. PUBLIC WORKS DEPARTMENT; POWERS AND DUTIES

62. DIRECTOR OF PUBLIC HEALTH; QUALIFICATIONS

63. PUBLIC HEALTH DEPT.; POWERS AND DUTIES

64. DIRECTOR OF PARKS AND RECREATION; HEAD OF DEPARTMENT

65. PARKS AND RECREATION DEPARTMENT; POWERS AND DUTIES

66. DIRECTOR OF AVIATION; HEAD OF DEPARTMENT

67. AVIATION DEPARTMENT; POWERS AND DUTIES

68. DEPARTMENTAL OFFICES AND EMPLOYMENTS

Section 45. THE CITY MANAGER.

Paragraph 1. Selection. The Council shall appoint a City Manager who shall be chosen on the basis of his executive and administrative qualifications. He shall receive compensation as fixed by the Council and shall, during his tenure of office, reside within the City. No person ever elected to office as a

member of the governing body of the City shall be eligible for appointment as City Manager.

Paragraph 2. **Appointment and Removal.** The City Manager shall be appointed for an indefinite term, and may be removed by resolution at the discretion of the Council by a majority vote of its members. Upon passage of a resolution stating the intention to remove the City Manager and the reasons therefor, a copy of which shall be immediately furnished him, the Council may suspend him from duty, but his salary shall continue until his removal becomes effective. Within twenty days after the passage of such a resolution, the City Manager may reply in writing to it, and may request a public hearing. If so requested the Council shall fix a time and place for a public hearing upon the question of removal, which shall be held not sooner than ten days nor more than twenty days after the receipt of such request. The final resolution removing the City Manager shall not be adopted until such public hearing, if requested, has been held. The action of the Council in removing the City Manager shall be final. In case of the absence, disability or suspension of the City Manager, the Council may designate a qualified administrative officer of the City to perform the duties of the office. Pending the selection of any City Manager following the adoption of this charter, the Council may appoint an acting City Manager, who shall have all of the qualifications, powers and duties hereinbefore prescribed for the City Manager, and who shall serve for a period not to exceed three months.

Section 46. **POWERS AND DUTIES OF THE CITY MANAGER.** The City Manager shall be responsible to the Council for the proper administration of all affairs of the City and, subject to the civil service provisions of this charter and except as otherwise provided herein, he shall have power and shall be required to:

(1) Enforce all laws and ordinances;

(2) Appoint and remove all officers and employees in the administrative service of the City; provided that he may authorize the head of a department or office to appoint or remove subordinates therein and provided, further, that he shall not appoint or remove officers and employees of:

(a) The Board of Trustees of the San Antonio Public Library;

(b) Any municipally-owned public utility, including electric, gas and water systems, while such utility is operating under the terms of any indenture, mortgage or deed of trust providing for employment by other authority.

(3) Exercise administrative supervision and control over all departments created by this Charter and hereafter created by the Council.

(4) Keep the Council fully advised as to the financial conditions and needs of the City; prepare and submit the budget annually to the City Council and be responsible for its administration after its adoption; prepare and submit, as of the end of the fiscal year, a complete report on the financial and administrative activities of the City for such year.

(5) Recommend to the Council such actions as he may deem desirable:

(6) Prepare and submit to the Council such reports as may be required of him;

(7) Attend all regular and special meetings of the Council, and participate in the discussion of the Council provided, however, that he shall have no vote.

(8) Act as the chief conservator of the peace within the City; and

(9) Perform such other duties as may be prescribed by this Charter or which may be required of him by ordinance or resolution of the Council.

Section 47. **COUNCIL MEMBERS NOT TO INTERFERE IN APPOINTMENTS OR REMOVALS.** Members of the Council shall not direct or request the City Manager or any of his subordinates to appoint to or remove from office or employment, or in any manner take part in the appointment or removal of officers or employees in the administrative service of the City, except for the purpose of inquiry. The Council and its members shall deal with the administrative service solely through the City Manager and neither the Council nor any member thereof shall give orders to any subordinates of the City Manager, either publicly or privately. Any violations of the foregoing provisions by any member of the Council shall constitute official misconduct, and shall authorize the Council by a vote of two-thirds of its entire membership to expel such offending member, if found guilty after a public hearing, and declare the office vacant and appoint a successor.

Section 48. **INVESTIGATIONS.** The 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, agency or office of the City, and for that purpose shall have power to administer oaths. The Council, on its own initiative, or upon request of the City Manager, shall have power to subpoena witnesses, compel the production of books, papers and other evidence material to such inquiry.

The Council shall provide by ordinance for penalties for contempt for refusal on the part of officers or employees of city departments, agencies, or offices, to obey such subpoenas, or to produce evidence.

Section 49. **BOARDS, COMMISSIONS, COMMITTEES, AND AUTHORITIES.** Boards, commissions, committees, and authorities shall not be established to administer municipal functions of the City; provided, however, that this section shall not apply to (1) the Board of Trustees of the San Antonio Public Library, (2) the Municipal Civil Service Commission, (3) The Planning Commission, (4) the Board of Equalization, (5) boards

of examiners and/or appeals established by ordinance to administer the provisions of building, electrical and plumbing codes, and (6) boards, commissions and authorities established under the provisions of the laws of Texas. The Council by ordinance may create boards, commissions or committees to assist in only an advisory capacity the heads of municipal departments in the performance of their duties. The members of any such boards, commissions or committees shall be appointed by the Council on recommendation of the City Manager, and shall receive no compensation from the City.

Section 50. **ADMINISTRATIVE DEPARTMENTS.** There are hereby created and placed under the control of the City Manager the following administrative departments of the City government:

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

In addition to the administrative departments created hereby, the Council shall have power by ordinance to establish, discontinue or redesignate other administrative departments or offices. The Council may combine any two of the departments and/or administrative offices created by this Charter. No functions or duties assigned by this Charter to a particular department or office shall be abolished, except as otherwise provided by this Charter, but such functions or duties may be assigned by ordinance to other administrative departments or offices of the City; provided, however, that no changes shall be made by the Council in the organization of the administrative service of the City until the recommendations of the City Manager thereon shall have been heard by the City Council; and provided, further, that all administrative departments and offices of the City shall be under the direction and supervision of the City Manager.

Section 51. **DIRECTORS OF DEPARTMENTS.** At the head of each department there shall be a director who shall be appointed and who may be removed by the City Manager. Said directors shall have supervision and control over their respective departments, subject to approval by the City Manager, except as otherwise specifically provided by this charter.

Section 52. **DEPARTMENT DIVISIONS.** The work of each department shall be distributed among such divisions thereof as may be established by ordinance; provided, however, that no 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.

LEGAL DEPARTMENT

Section 53. **CITY ATTORNEY; HEAD OF LEGAL DEPARTMENT.** The director of the Legal Department shall be the City Attorney, who shall be a competent practicing attorney of recognized ability and have practiced in Texas for at least five years immediately preceding appointment.

Section 54. **CITY ATTORNEY; POWERS AND DUTIES.** The City Attorney shall be the chief legal adviser of all offices, departments and agencies and of all officers and employees of the City in the matters relating to their official powers and duties. He shall represent the City in all legal proceedings. He shall perform all services incident to his position as may be required by statute, by this Charter or by ordinance. He shall draft all proposed ordinances granting franchises and shall pass upon all papers, documents, contracts and other instruments in which the City may be interested.

FINANCE DEPARTMENT

Section 55. **DIRECTOR OF FINANCE; QUALIFICATIONS.** The Director of the Finance Department shall be the head of such department and he shall have knowledge of municipal accounting and taxation and shall have had experience in budgeting and financial control. Said director shall provide a bond with such surety and in such amount as the Council may require. The City shall pay the premium on said surety bond.

Section 56. **FINANCE DEPARTMENT; POWERS AND DUTIES.** The Finance Department shall have the authority and be required to:

- (1) Administer the financial affairs of the City in accordance with ordinances enacted by the Council.
- (2) Prepare the budget for the City Manager and assist him in its administration after authorization by the Council as required by this Charter.
- (3) Maintain accounting control over the finances of the City government, and perform such other duties pertaining to the financial affairs of the City as the Council may require.
- (4) Control the purchase, storage and distribution of all supplies, materials, equipment, and contractual services now or hereafter required by the Council.
- (5) Provide for the assessment of all property subject to taxation by the City.
- (6) Collect, have custody of, and disburse all funds belonging to the City, subject to the provisions of this Charter and ordinances enacted thereunder; have custody as fiduciary of all

funds of the City; keep a record of investments; have custody of all bonds and certificates of city indebtedness, including bonds and certificates unissued or cancelled; and the receipt and delivery of City bonds and certificates of transfer, registration, and exchange.

POLICE DEPARTMENT

Section 57. **CHIEF OF POLICE; APPOINTMENT AND REMOVAL.** The Chief of Police shall be the Director of the Police Department.

Section 58. **AUTHORITY AND DUTIES OF POLICEMEN.** The officers and policemen of the Police Department shall have all the powers and authority given to them as peace officers under the laws of Texas, this Charter, and all other powers and authority that may lawfully be conferred on them by the Council. Such officers and 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. It shall be the duty of each officer and policeman to use his best endeavors to prevent the commission of offenses against the laws of the State and the ordinances and regulations of the City; to observe and enforce all such laws, ordinances and regulations; to detect and arrest offenders against the same; to preserve the good order of the City and to secure the inhabitants thereof from violence, and the property therein from injury. Such officers and policemen shall execute any criminal warrant or warrants of arrest, or any writ subpoenas, or other process that may be placed in their hands by the duly constituted authorities of the City. No officer or policeman shall receive any fee or other compensation for any service rendered in the performance of his duty other than the salary paid him by the City.

FIRE DEPARTMENT

Section 59. **CHIEF OF FIRE DEPARTMENT; APPOINTMENT AND REMOVAL.** The Chief of the Fire Department shall be the director of the Fire Department.

PUBLIC WORKS DEPARTMENT

Section 60. **DIRECTOR OF PUBLIC WORKS; HEAD OF DEPARTMENT.** The Director of Public Works shall be the head of the department.

Section 61. **PUBLIC WORKS DEPARTMENT; POWERS AND DUTIES.** The Department of Public Works shall have charge of the planning, opening, construction, maintenance and repair of all streets, alleys, sidewalks, bridges, rivers, water-courses, creeks, ditches and public ways; of the sanitary and storm sewers, sewer systems and sewage disposal plants; of the construction, maintenance, repair and operation of all public buildings and properties belonging to or used by the City; of the city markets; of building, electrical and plumbing inspection, and the issuance of building, electrical and plumbing permits; of weights and measures; of the collection and disposal of garbage; and of such other functions as may be prescribed by ordinance.

PUBLIC HEALTH DEPARTMENT

Section 62. **DIRECTOR OF PUBLIC HEALTH; QUALIFICATIONS.** The Director of Public Health shall be the head of the department. He shall be a licensed physician and shall be trained in public health administration.

Section 63. **PUBLIC HEALTH DEPARTMENT; POWERS AND DUTIES.** The Public Health Department shall enforce the laws of the State and all ordinances and regulations relating to public health; it shall exercise such additional powers and perform such additional duties as may be prescribed by ordinance.

PARKS AND RECREATION DEPARTMENT

Section 64. **DIRECTOR OF PARKS AND RECREATION; HEAD OF DEPARTMENT.** The Director of Parks and Recreation shall be the head of the department.

Section 65. **PARKS AND RECREATION DEPARTMENT; POWERS AND DUTIES.** The Parks and Recreation Department shall have charge of the management and maintenance of public parks, playgrounds, golf courses, swimming pools, and all other public recreational facilities and programs. The management, operation and maintenance of parks and playgrounds, and of all other public recreational facilities and programs shall be deemed to be done in the governmental capacity of the City. The Parks and Recreation Department shall exercise such additional powers and perform such additional duties as may be prescribed by ordinance.

AVIATION DEPARTMENT

Section 66. **DIRECTOR OF AVIATION; HEAD OF DEPARTMENT.** The Director of the Aviation Department shall be the head of the department.

Section 67. **AVIATION DEPARTMENT; POWERS AND DUTIES.** The Aviation Department shall have charge of the management, operation and maintenance of the municipal airports, and of all facilities, services and installations related or incidental thereto which are owned or operated by the City. It shall exercise such other powers and perform such additional duties as may be prescribed by ordinance.

Section 68. **DEPARTMENTAL OFFICES AND EMPLOYMENTS.** The number of offices and employments in each municipal department and office shall be fixed by ordinance; provided, that before adoption of such ordinance, the City Manager may make such recommendations to the Council as to him might seem desirable.

ARTICLE VI

THE MUNICIPAL CIVIL SERVICE

- Section 69. ESTABLISHMENT
70. MUNICIPAL CIVIL SERVICE COMMISSION
71. PERSONNEL DIRECTOR
72. CIVIL SERVICE RULES
73. APPOINTMENTS
74. COMPENSATION
75. INFORMATION, REPORTS, AND ACCESS TO PREMISES AND RECORDS
76. SUSPENSIONS, REDUCTIONS, AND REMOVALS
77. STATUS OF APPOINTIVE OFFICERS AND EMPLOYEES WHEN THIS CHARTER BECOMES EFFECTIVE
78. PROHIBITIONS

Section 69. **ESTABLISHMENT.** There shall be a classified civil service which shall include all appointive offices and employments in the administrative service and in other agencies and offices of the City, and all persons receiving compensation from the City for personal services, except the following:

- (a) Members of the Council;
- (b) Persons who are appointed or elected by the Council pursuant to this Charter;
- (c) The City Manager, the Assistant City Managers, if any; and a private secretary to the City Manager.
- (d) The directors of departments;
- (e) One principal assistant and one confidential secretary to each of the directors of departments;
- (f) Persons, firms, corporations, associations, foundations or other organizations whose services may be specially engaged for professional, investigative, consultative, or other special services, and all employees or agents performing such services for such person, firm, corporation, association, foundation or other organization so specially engaged;

(g) Offices and employments and officers and employees of such classes or departments as are within the jurisdiction of any civil service statute of Texas, and of any board or authority, other than the Council or City Manager, under any statute of Texas or under any mortgage, indenture or deed of trust. However, when any such statute, mortgage, indenture or deed of trust shall expire, be repealed or cease to be operative in the City this exception will no longer apply, and thereafter all such offices and employments and officers and employees shall be in the classified civil service of the City, and all such officers and employees shall continue in their offices and employments without preliminary or probationary tests.

Section 70. MUNICIPAL CIVIL SERVICE COMMISSION.

Paragraph 1. There shall be a Municipal Civil Service Commission, consisting of three members who shall be appointed by the Council, which shall designate one of the three as chairman. Each member of the Commission shall be a qualified elector of the City, shall neither hold nor be a candidate for any other public office or position. Members of the Commission shall serve for terms of two years. Vacancies in an unexpired term shall be filled by the Council by appointment for the remainder of the term. A member of the Commission may be removed by the Council only for cause and after being given a written statement of the charges against him and a public hearing thereon, if he so requests. A certified copy of the charges and a transcript of the record of such public hearing shall be filed with the City Clerk.

Paragraph 2. Members of the Commission shall be paid compensation for their services as determined in advance by the Council.

Paragraph 3. Two members of the Commission shall constitute a quorum. The Commission shall act by majority vote. The chairman shall have the same voting rights as any other member.

Paragraph 4. The Commission shall have power and shall be required to:

- (a) Hear appeals in case any employee or other person in the classified civil service is suspended, reduced or removed, and shall report in writing to the City Manager its findings and recommendations;
- (b) Make any investigation which it may consider desirable or which it may be required by the Council or City Manager to make, concerning the administration of personnel in the municipal service, and to report to the Council and City Manager its findings, conclusions and recommendations;
- (c) Perform the services hereinafter provided with respect to the Civil Service Rules;
- (d) Perform such other duties with reference to personnel administration, not inconsistent with this Charter, as the Council may require.

Paragraph 5. To administer the functions or authority of the Commission, it shall have authority to issue subpoenas and subpoenas duces tecum to witnesses where reasonably necessary to obtain pertinent evidence and any member of the Commission shall have authority to administer oaths.

Section 71. **PERSONNEL DIRECTOR.** There shall be a Director of Personnel, who shall be appointed, and who may be

removed by the City Manager, and who shall have had training and experience in personnel administration. He shall have power and be required to:

(1) Perform such duties as are prescribed herein and as may be prescribed by ordinance, or by the Commission or the City Manager, according to their respective jurisdictions under this Charter;

(2) Prepare and recommend to the City Manager a classification plan and amendments thereto for the classified service for presentation upon approval by the City Manager to the Council, and after adoption by the Council, administer the plan approved. The plan shall include titles for each class of positions. Each class shall include all positions which are sufficiently similar with respect to duties, responsibilities, and authority so that the same title may be used to designate each position allocated to the class, the same requirement as to education, experience, intelligence, general and specialized knowledge, skill, physical condition, and other qualifications may be demanded of incumbents for the performance of their duties, the same tests of fitness may be used, and the same schedule of pay can be applied under like working conditions. After adoption of the plan the Director, 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;

(3) Prepare and keep a record of the duties and responsibilities of each office and employment and establish and maintain a roster of all persons in the classified civil service showing as to each person:

(a) The class title of the position, the salary or pay, any changes in title, pay or status, and

(b) Such other data as is deemed desirable to maintain and improve personnel administration;

(4) Hold open competitive examinations for all appointments in the classified civil service to determine the qualifications of those seeking employment and promotions, and upon the basis of such tests establish employment lists of persons eligible for appointment in the order of their achievement, which lists shall not be continued in effect for longer than one year following their establishment unless the Director, with the approval of the Commission, shall renew such lists for reasons presented in writing, but in no event shall such lists be continued in effect for more than eighteen months.

The character, content and manner of conducting tests shall be determined by the Director, with the approval of the Commission; however, upon the recommendation of the City Manager, approved by the Commission, such tests may be non-competitive for positions which require exceptional qualifications of scientific, managerial, or professional character.

(5) Upon written notice that a position in the classified service is to be filled, certify, in the order of their achievement, the names of the three persons highest on the employment list for the class who are willing to accept appointment. If there is no list available, the Director may authorize a provisional appointment to a permanent position to continue until a list can be established and certification made; provided, however, that no provisional appointment shall continue for more than sixty days and shall not be renewed. Temporary appointments may be authorized by the Director to an extra position established by the Council but shall not continue longer than thirty days and shall not be renewed.

(6) Establish for each class probationary periods of not less than three nor 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 must submit to the Director reports at least once each month during the probationary period. No permanent appointment shall be made except on certificate of the Personnel Director, based upon monthly reports, that the officer or employee has satisfactorily passed the probationary period.

(7) Prepare and recommend to the City Manager at least sixty days before the beginning of each fiscal year for presentation upon approval by the City Manager to the Council, a pay plan, including a 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 ordinance by the Council, see that payments are made in accordance therewith.

(8) Certify to the Department of Finance, prior to payment, that the persons whose names appear on any payroll or pay voucher were on the roster of employees, were employed in accordance with the Charter and regulations established thereunder, performed the services indicated during the period covered, and that the pay rate has been established as provided herein. No payment shall be made without such certificate.

Section 72. **CIVIL SERVICE RULES.** The administration of the classified service of the City, including the employment or appointment of all persons in the classified civil service and their probation, and promotion, shall be prescribed, as far as practicable, by rules and regulations to be known as the Civil Service Rules.

The Director shall, within six months after this Charter takes effect, prepare such rules and recommend their adoption to the Commission. After a public hearing thereon, the Commission shall approve or reject the rules wholly or in part, or modify them, and approve them as modified. Rules, and any amendments thereto, which are approved by the Commission or on which it takes no action within sixty days after they are recommended by the Director, shall be given to the City Manager for presentation to the Council, together with whatever recommendations he may desire to make. Rules and amendments thereto shall

become effective when approved by the Council or on the tenth day after submission if, prior thereto, the Council shall not have rejected them. Thereafter the Board shall have power to amend, repeal, or add to the rules on the recommendation of the Director, or on its own initiative, subject to the requirement of a public hearing and all the other subsequent steps of procedure required herein for adoption of the original rules. Copies of rules and amendments thereto shall be transmitted by the Director to the Council, the City Manager and to the Director of each department, and shall be made available to all officers and employees in the classified civil service of the City.

The rules shall include:

(1) A provision that employment, promotion, suspension, reduction or removal shall be upon the basis of education, experience, intelligence, general and specialized knowledge, ability and willingness to work as demonstrated by competitive tests and service ratings;

(2) 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;

(3) A provision for fixing hours of work, checking attendance, 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 leave of absence with or without pay or with reduced pay;

(4) A system of service ratings designed to reflect the merit of each person in the classified civil service;

(5) Such other provisions as may be required by the Council.

Section 73. **APPOINTMENTS.** No person shall be appointed to the classified civil service except after certification by the Personnel Director or except upon authorization by him of a provisional or temporary appointment. No person shall be appointed to the classified civil service under any title not appropriate to the duties to be performed.

Section 74. **COMPENSATION.** The salary or compensation of persons in the classified civil service shall be established by ordinance, which shall provide minimum and maximum compensation for each class of service. All increases or decreases in compensation of any person within the limits provided for each class may be directed by the City Manager or other appointing authority with the approval of the City Manager.

Section 75. **INFORMATION, REPORTS, AND ACCESS TO PREMISES AND RECORDS.** Every officer and employee in the service of the City shall furnish the Personnel Director any information required in the administration of personnel and shall allow the Municipal Civil Service Commission and the Director and members of his staff reasonable access to premises, buildings and records under his charge.

Section 76. **SUSPENSIONS, REDUCTIONS, AND REMOVALS.** Any person in the classified civil service who has not completed the 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. Notice of such action shall be given to the Personnel Director.

Any person 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 officers having power to appoint by giving him a written notice of such action, together with a statement of the reasons therefor.

Any person 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 written notice of the suspension, reduction or removal, stating the reasons therefor and when it is effective, shall be given to such person or sent by registered mail to his usual place of residence. Such person, within ten days, not including Sundays and legal holidays, after the delivery or mailing of such notice, may appeal in writing to the Commission for a hearing. The Commission shall immediately fix a place and a time not later than ten days after such appeal for holding a hearing, at which hearing the appellant shall have the right to appear and be heard in person or by counsel. The Commission shall, at the request of the appellant or of the City Manager or other officer ordering the suspension, reduction or removal, compel other persons to attend the hearings as witnesses. All testimony given shall be under oath. The members of the Commission 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. The Commission may make any further investigation which it might deem proper. Within twenty-four hours after the completion of the public hearing or such investigation, the Commission shall report its findings and recommendations to the City Manager. A copy of the written statement given the officer or employee, of the written reply thereto, if any, and a copy of the findings and recommendations of the Commission shall be filed as a public record in the office of the Personnel Director.

Section 77. **STATUS OF APPOINTIVE OFFICERS AND EMPLOYEES WHEN THIS CHARTER BECOMES EFFECTIVE.** All appointive officers and employees in the service of the City, other than the officers and employees excepted from the classified civil service, whose offices or employments have not been abolished by this Charter, or whose offices or employments are not inconsistent with this Charter, and who have served continuously in their respective offices or employments for six months prior to January 1, 1952, shall be, on and after that date, subject in all respects to the classified civil service

provisions of this Charter and shall continue in their respective offices or employments without preliminary or probationary tests.

Section 78. **PROHIBITIONS.** No person shall wilfully or intentionally make any false statement, certificate, mark, rating or report in regard to any test, certification, or appointment held or made, or in any manner commit any fraud interfering with the performance of these provisions or the rules and regulations made thereunder. No officer or employee in the classified civil service shall continue in such position after becoming a candidate for nomination or election to any public office. No person seeking appointment to or promotion in the classified civil service shall directly or indirectly give, render or pay any money, service or other valuable thing to any person on account of or in connection with any test, appointment or promotion. No person shall solicit or be concerned in soliciting any assessment, subscription or contribution for any political party or purpose from any person in the classified civil service. No person in the classified civil service shall make any contribution to the campaign funds of any political party or any candidate for public office or take any part in the management, affairs or political campaign of any political party, further than in the exercise of his rights as a citizen to express his opinion and to cast his vote.

Any person who by himself or with others wilfully or intentionally violates any of the provisions of this section shall be subject to such penalty as may be prescribed by ordinance. Any person convicted under this section shall be ineligible, for a period of five years, for appointment to or employment in an office or employment in the classified civil service, and shall, if he be an officer or employee of the City, immediately forfeit such office or employment.

ARTICLE VI

MUNICIPAL FINANCE

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Section 79. **FISCAL YEAR.** After July 31, 1952, the fiscal year of the City shall begin on the first day of August and end on the last day of July of each calendar year; provided, however, that the fiscal year of the City which began on June 1, 1951, shall end on May 31, 1952, and provided, further, that an interim fiscal period is hereby established for the period beginning on June 1, 1952, and ending on July 31, 1952. The fiscal year shall constitute the budget year of the City government.

The term "budget year" shall mean the fiscal year for which any particular budget is adopted and in which it is administered.

Section 80. **THE BUDGET.** After July 31, 1952, the budget for the City government 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 government for which appropriations are required to be made or taxes levied by the City government; all expenditures for capital projects to be undertaken or executed during the fiscal year; a capital program of proposed capital projects for the five fiscal years next succeeding the budget year, provided, however, this requirement shall not apply to the budget year beginning on August 1, 1952; all interest and debt redemption charges during the fiscal year; and the actual or estimated operating deficits from prior fiscal years. The budget shall also set forth the anticipated income and other means of financing the total proposed expenditures of the City government for the fiscal year.

Section 81. **THE INTERIM BUDGET.** The City Manager shall, prior to April 25, 1952, submit to the Council an interim budget, which shall be prepared, as nearly as practicable, in accordance with the requirements for the budget document herein prescribed, for the interim fiscal period hereinabove established. Following the approval of such interim budget, the Council shall, prior to June 1, 1952, enact such appropriation and other ordinances as may be necessary, advisable or convenient for the adoption, financing and effectuation of such interim budget.

Section 82. **THE BUDGET DOCUMENT.** After July 31, 1952, the budget document shall consist of three parts, as follows:

Part I shall contain (1) a budget message prepared by the City 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, for the current year; (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 relationship 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 percentage collectible; (4) statements of the bonded debt and other indebtedness of the City government, showing the debt redemption and interest requirements, the debt authorized and unissued, the conditions of the sinking funds, if any, and the borrowing capacity of the City.

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

Section 83. **THE PREPARATION AND ADOPTION OF THE BUDGET.** Annually, after July 31, 1952, the departments and agencies of the City government shall transmit, not later than the first day of April, estimates of their budgetary requirements to the Finance Department, which shall prepare a budget for the City Manager in the form required by this Charter. If the budget for the fiscal year which began on June 1, 1951 and which ends on May 31, 1952, has not been adopted prior to January 1, 1952, it shall be transmitted by the City Manager to the Council not later than March 1, 1952. After July 31, 1952 the City Manager shall transmit the annual budget to the Council not later than the fifteenth of July. The 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 shall be given of such public hearing; and provided, further, that at least ten days prior to such public hearing, the City Manager shall cause not less than ten copies to be made available in the office of the City Clerk for distribution to interested persons. The Council may revise, alter, increase, or decrease the items of the proposed budget prior to the adoption of the appropriation ordinance, provided that when it shall increase the total proposed expenditures, it shall also increase the total anticipated income so that the total means of financing the budget shall at least equal in amount the aggregate proposed expenditures. When the Council shall make such changes, it shall issue a statement setting forth clearly its action on the budget. Annually, after July 31, 1952, the Council shall approve the budget plan and shall enact, not later than the twenty seventh day of July, the appropriation ordinance, and such other ordinances as may be required to make the budget effective. As soon as possible after the completion of the tax roll the Council shall pass the tax levy ordinance. A copy of the budget, as finally adopted, shall be filed with the City Clerk, the County Clerk of Bexar County, and the State Comptroller of Public Accounts. The final budget shall be reproduced and sufficient copies shall be made available for the use of all departments, offices and agencies of the City, and for the use of interested persons, agencies and civic organizations.

Section 84. **WORK PROGRAM AND ALLOTMENTS.** Immediately before the beginning of each fiscal year, after July 31, 1952, the head of each department or agency of the City government, upon the direction of the City Manager, shall submit to the Finance Department a work program for the year, which program shall include all appropriations for its operation and maintenance and for the acquisition of property, and which shall show the requested allotments of said appropriations for such department or agency by months for the entire fiscal year. The City Manager, with the assistance of the Finance Department, 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 allotment shall not exceed the total appropriation available to said department or agency for the fiscal year. The Finance Department 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, or upon application by the head of any department or agency as approved by the City Manager, but in no event shall the aggregate of departmental or agency allotments exceed the appropriation available to such departments or agencies 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 shall reconsider the work programs and allotments of the several departments and agencies and revise them so as to prevent the making of expenditures in excess of the said income and fund balance.

Section 85. **TRANSFER OF APPROPRIATIONS.** Upon written recommendation of the City Manager the Council may at any time transfer any unencumbered appropriation balance or any portion thereof within a department office or agency to another.

Section 86. **APPROPRIATION OF EXCESS REVENUE.** If at any time the total accruing revenue of the City shall be in excess of the total estimated income, as set forth in the annual budget estimate, the Council shall appropriate such excess revenues to the retirement of the unbonded indebtedness of the City.

Section 87. **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 annual or interim fiscal period appropriation ordinance or such ordinance when changed as authorized by this Charter or by the general laws of Texas. 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 as provided by this Charter; but appropriations may be made by the Council, to be paid out of the income of the current year, in furtherance of public improvements or public works which will not be completed within such year, and any such appropriation shall continue in force until the purpose for which it was made shall have been accomplished or abandoned.

Section 88. **CITY DEPOSITORIES.** All monies received by any person, department or agency of the City for or in connection with the business of the City and all funds of the City shall be deposited promptly in the City Depository, which shall be designated by the 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 monies belonging to the City shall accrue to the benefit of the City.

Section 89. **ASSESSMENT AND COLLECTION OF TAXES.**

Paragraph 1. There shall be an officer in the Finance Department who shall be known as the Assessor and Collector of Taxes. On and after June 1, 1952, without prior notice by the Assessor and Collector of Taxes of the City, each person, firm, business, partnership, and corporation owning real and personal estate and property in the City, including choses in action, franchises and privileges having a situs in the City, though the owners thereof be non-residents of the City, shall between the first day of June and the thirty-first day of August of each year, deliver to the Assessor and Collector of Taxes of the City a full and complete sworn inventory upon such form as may be prescribed by the Council of all such real and personal estate and property owned, possessed or controlled by him, her, or them, within the City on the first day of June of each year. In all cases of failure from any cause to obtain any such sworn inventory it shall be the duty of the Assessor and Collector of Taxes to ascertain the amount and value of such property and to assess the same, within the time herein fixed, as he believes to be the true and full value thereof, and such assessment shall be as valid and binding as if such real and personal estate and property had been rendered by the owner.

Paragraph 2. All assessments of real estate and property, whether rendered by the owner or assessed by the Assessor and Collector of Taxes, shall give the value of lands and improvements separately, and shall sufficiently describe such property to identify it, giving the name of the last known owner thereof. If the ownership of any real estate and other property should be unknown to the Assessor and Collector of Taxes, he shall state the fact. The Assessor and Collector of Taxes 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 assessors and collectors of taxes in Texas to make reassessments, all at the same rate such property should have been assessed for past years giving the year for which it is assessed and the taxes thereon shall be collected in the same manner as taxes on other assessments. After June 1, 1952, the assessment rolls and tax receipts shall be made up and filed in the Finance Department annually on or before the first day of March. In addition to these powers, the Assessor and Collector of Taxes shall have all the rights and powers that are now or which may be hereafter conferred upon County assessors and collectors of taxes of this State and he shall have such additional powers, and shall perform such other duties as may be prescribed by ordinance.

Paragraph 3. The assessments of persons and property subject to taxation by the City as of June 1, 1951, and the assessments of persons and property subject to taxation by the City in each year prior to that date, except as may be otherwise provided for the remission of taxes by the general laws of Texas, are hereby validated.

Section 90. **COLLECTION AND DEPOSIT OF REVENUES.** The Assessor and Collector of Taxes shall collect all ad valorem property taxes, all occupational taxes and other license fees and dues as may be prescribed by ordinance and give receipts therefor. He shall deposit daily with the City Depository all monies collected since the last deposit.

Section 91. **SEIZURE AND SALE OF PERSONAL PROPERTY.** The Assessor and Collector of Taxes shall, by virtue of his tax rolls, have power and authority to seize and levy upon all personal property and sell the same to satisfy all taxes, together with all penalty, interest and costs due on said personal property by said delinquent to the City. When he seizes personal property for such purposes he shall keep the same at the expense of the owner until the sale is made, and shall give notice of the time and place of sale of same by posting a written notice at the city hall door and one at another public place within the City at least ten days before the date of sale. He shall sell the same to the highest bidder for cash for all taxes, interest, cost and expense of caring for said property, and shall make an entry in a book of sales of the amount realized. All such sales shall be made at the front door of the city hall. A sale of personal property for delinquent taxes shall convey with it an absolute title, and the owner shall have no right to redeem the same.

Section 92. **TAX LIENS.** The tax levied by the City is hereby declared to be a lien, charge, or encumbrance upon any property upon which the tax is due, which lien, charge, or encumbrance the City may enforce and foreclose in any court having jurisdiction over the same, and the lien, charge, and encumbrance on the property in favor of the City for the amount of the taxes due on such property may be enforced by the court against any resident or non-resident of the State or person whose residence is unknown.

Section 93. **THE POWER OF THE CITY TO LEVY AND COLLECT TAXES.**

Paragraph 1. The City shall have power annually to levy and collect ad valorem property taxes at the rate and in the total amount authorized by the Constitution of Texas and the general laws of this State. The tax levied by any improvement district in the City shall not exceed twenty-five cents annually. The ad valorem property taxes hereinabove authorized 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.

Paragraph 2. The City shall have power to levy, assess and collect taxes on persons, privileges, subjects, occupations and property of all character and description within the City limits of the City, as the Council shall determine by ordinance; provided, however, that the City shall not have the authority to levy, assess and collect any such tax if the same be prohibited by the Constitution or some specific statute of this State. If, subsequent to the passage or enactment of any ordinance by the Council levying a tax, the Legislature of this State shall impose a tax of the same nature and kind being levied, assessed and collected by the City, and the Act of the Legislature imposing such State tax expressly prohibits the City from imposing such tax, the Act of the Legislature shall automatically invalidate any such ordinance of the City, enacted under the authority of this Charter, as to all taxes accruing subsequent to the end of the year for which such tax was levied by the City. The City shall have power to enforce the provisions of all such ordinances enacted by the City, to enforce the collection of such taxes imposed by such ordinances, and to prescribe and collect penalties and interest for non-payment within the time fixed for payment of such taxes. This Charter expressly confers on the City the power to levy, assess, and collect taxes upon all subjects of taxation which the State of Texas has the power to tax, subject only to the immediately foregoing provisions and limitations of this paragraph of this section. The powers and authority expressly conferred on the City by this Charter to levy, assess and collect taxes upon all subjects of taxation which the State of Texas has the power to tax are in addition to and cumulative of all other taxing powers conferred by other laws of this State upon cities and towns in this State.

Section 94. **OCCUPATION TAXES.** The Council shall have power annually to levy and collect occupation taxes, in accordance with the provisions of the laws of the State of Texas.

Section 95. **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 Texas for the levy, assessment and collections of state and county taxes, unless otherwise provided by this Charter, or by ordinance; provided, however, that no discounts may be granted for the advance payment of taxes. All powers conferred by the general laws of Texas as they now or hereafter may exist for the assessment, levy and collection of taxes by county and city assessors and collectors are hereby adopted and made applicable to the City and shall be in addition to and cumulative of the powers herein expressly granted, including without limitation, those granted to county and city assessors and collectors of taxes, to boards of equalization and to all other persons, bodies or agencies concerned with the assessment and collection of taxes.

Section 96. **SPECIAL PROVISION FOR TAX AND FISCAL YEAR.** Upon enactment of legislation authorizing the San Antonio Independent School District to change its tax and fiscal year and to assess and levy taxes for a portion of a year or an interim period so as to avoid any period during which taxes are not assessed and levied, the Council is authorized to prescribe by ordinance such tax and fiscal year for the City as deemed by the Council to be to the best advantage of the City.

Section 97. **BOARD OF EQUALIZATION.**

Paragraph 1. The Council shall annually appoint a Board of Equalization to be composed of three members, who shall be qualified taxpaying electors of the City, who shall not be

members of the Council, who shall not hold any other public office or employment, and who may be removed at the pleasure of the Council. Each member of the said Board shall be well acquainted with property values. The Council shall, by ordinance, fix the annual meeting date of the Board of Equalization; provided, however, that the said Board shall complete its work annually by the fifteenth of January. The members of the Board of Equalization shall be paid such compensation, if any, as may be determined by the Council. The Council shall designate one of the members of the Board as chairman.

Paragraph 2. 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 Commissioners' 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 or ordinance, shall equalize all assessments as near as may be, shall have the same powers to subpoena property owners of the City, witnesses, books and records as are granted by the laws of the State to county boards of equalization, and shall have power to administer oaths and to punish for contempt as provided by ordinance. Any person failing to appear before the Board, or failing to give evidence or to 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; provided, however, that the Board shall provide for stenographic records of its hearings and shall preserve such records. The said Board shall also be governed by such rules and regulations as may be prescribed by ordinance. 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 according to law, and it shall make due report of its action to the Council.

Section 98. **FAILURE TO LEVY TAXES.** If the 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 99. **TAXES WHEN DUE.** All ad valorem property taxes for the tax and fiscal year of the City which began on June 1, 1951, and which ends on May 31, 1952, shall become due on April 1, 1952, and shall be paid before August 1, 1952. After May 31, 1952, all ad valorem property taxes for each tax year, which shall begin annually thereafter on the first day of June and end on the thirty-first day of May of each year, shall become due on the first day of April of each year, and shall be paid before the first day of August next following. All delinquent taxes shall bear interest from the date they are delinquent until paid at the rate of one-half of one percent for each month or fraction thereof. The time for the payment of taxes shall not be extended. The Council shall have power, by ordinance, to provide for the payment of any taxes due, at the option of taxpayers, in one payment, or two equal installments.

Section 100. **PENALTIES ON DELINQUENT TAXES.** All persons and property owners failing to pay any tax owing on or before its delinquent date shall be charged interest at the rate of six per cent per annum, and, in addition, shall be charged a penalty of two per cent upon the principal amount due for the first month or part of a month of such delinquency and, thereafter, in addition to interest, a penalty of two per cent upon the principal amount due for each additional month or fraction thereof; provided, that the aggregate penalties to be charged shall never exceed ten per cent and shall be charged on the original principal amount, and such penalties shall not bear interest. Unless authorized by the laws of Texas, neither the Council nor the Assessor and Collector of Taxes shall have the power to make any remission of penalties or interest on taxes. The City Attorney shall not be authorized, except by an affirmative vote of the Council, to bind the City by any agreed judgment in any court in any suit brought against or in behalf of the City involving the collection of delinquent taxes.

Section 101. **PURCHASE PROCEDURE.** Before the City makes any purchase or contract for supplies, materials, equipment or contractual services, opportunity shall be given for competition, under the rules and regulations, and with such exceptions, as the Council may prescribe by ordinance. The Director of Finance shall have authority to make expenditures for all budgeted items not exceeding \$1,000.00. Any expenditure for supplies, materials, equipment or contractual services involving more than \$1,000.00 shall be made on a written contract, and such contract shall be awarded to the lowest responsible bidder after such public notice and competition as may be prescribed by ordinance; provided, however, that the City shall have the right to reject any and all bids; and provided, further that nothing herein shall apply to contracts for professional services or to work done by the City.

Section 102. **AUTHORITY TO ISSUE BONDS.** The City shall have power to borrow money on the credit of the City and to issue bonds for the acquisition of property for public purposes, for making improvements for public purposes and to fund or refund any bonded indebtedness; provided, however, that any proposition to borrow money and to issue bonds, except as otherwise authorized by the general laws of Texas, shall be first approved by a majority of the qualified electors of the City voting in an election held, as prescribed by ordinance, as nearly in accord with this charter and the laws regulating City elections as may be practicable. The ordinance calling such election shall distinctly specify the purpose thereof; provided, however, that more than one subject or purpose may be included but each shall be separately stated. No election shall be required to authorize the refunding of bonds issued and outstanding; provided, however that no refunding bonds shall be issued at a greater interest rate or in larger principal amount than the bonds refunded. The total bonded debt of the City shall never exceed ten per cent of the total assessed valuation of property shown by the last assessment roll, exclusive of any indebtedness secured in whole or in

part by special assessments, exclusive of the bonded debt of any improvement district, and exclusive of any indebtedness secured by revenues, other than taxes, of the City or of any department or agency thereof.

Section 103. **REVENUE BONDS.** The City shall have power to issue its revenue bonds for the purposes and in the manner and form now or hereafter authorized by any general law of Texas. The City shall also have power to issue its revenue bonds for the acquisition of any other utility or property for public use and to enlarge, improve, extend or equip the same, and to issue its revenue bonds for any other lawful public purpose, provided such bonds shall never be a debt of the City and shall be a charge upon and payable solely from the properties or interest acquired and the income therefrom, shall never be reckoned in determining the power of the City to issue any bonds for any purpose and their issuance shall first be authorized by a majority of the qualified electors voting at an election held for such purpose. The Council shall have authority to provide for the terms and forms of any purchase agreement, contract, mortgage, bond or document desired or necessary for the issuance of revenue bonds and the acquisition and operation of any such property or interest.

Section 104. **ISSUANCE OF BONDS FOR IMPROVEMENT DISTRICTS.** The City shall have power 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 the Council may divide the City, or any portion thereof, into improvement districts; but every proposition to borrow money on the credit of any improvement district for permanent public improvements therein shall be first submitted to and approved by a majority of the qualified taxpaying voters living and owning property in such district, and shall distinctly specify the purpose of the loan and the permanent public improvements to be constructed; provided, however, that several improvements of different character may be submitted at one election. All bonds shall specify the purpose for which they were issued and shall be sold for not less than par value, with accrued interest to date of payment of the proceeds of sale into the City depository. Such bonds may be negotiated in lots as the Council may decree. No debt shall be contracted for the payment whereof such bonds are issued until such bonds are sold and no debt shall ever be created against any improvement district unless at the same time provision be made to assess and collect annually upon property in such district a sum sufficient to pay the interest on such bonds and create a sinking fund of at least two per cent per annum thereon. The tax which shall be collected annually from the owners of property in such improvement district for payment of such bonds shall be in addition to all other current taxes levied by the City, and the fund thus created 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.

Section 105. **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 106. **SINKING FUND.** It shall be the duty of the 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 107. **SINKING FUND ADMINISTRATION.** The sinking fund for the redemption of any loan or debt may be invested in any bonds as authorized by the laws of Texas, in United States interest bearing bonds or bonds of the State of Texas, or Bexar County, Texas, or in bonds of the City, or of any improvement district thereof and the interest of such bonds, shall be reinvested; and such bonds shall be sold when necessary to pay the interest or principal of the bonds issued under the provisions of this section. Said sinking fund may be appropriated at any time to reduce the public debt by the purchase and cancellation of outstanding City bonds, or for the investment of such sinking fund in bonds of the United States, or the State of Texas, or of the City of San Antonio, or of any improvement district thereof, or of Bexar County, Texas.

Section 108. **DISBURSEMENT OF FUNDS.** All checks, vouchers or warrants for the withdrawal of money from the City depository shall be signed by the Director of Finance, or his deputy; provided, however, that checks, vouchers or warrants for the withdrawal of sinking funds shall also be signed by the City Manager, or, in his absence, by an officer designated by the Council.

Section 109. **BORROWING IN ANTICIPATION OF PROPERTY TAXES.** In any tax year, in anticipation of the collection of the ad valorem property tax for such year, whether levied or to be levied in such year, the Council may by resolution authorize the borrowing of money by the issuance of negotiable notes of the City each of which shall be designated "tax anticipation note for the year 19 " (stating the tax year). Such notes shall mature and be payable not later than the end of the tax year in which issued, and may be secured by pledge of the ad valorem property taxes for such year.

Section 110. **BORROWING IN ANTICIPATION OF OTHER REVENUES.** In any tax year, in anticipation of the collection or receipt of other revenues of that year, the Council may by resolution authorize the borrowing of money by the issuance of negotiable notes of the City, each of which shall be designated "special revenue note for the year 19 " (stating the tax year). Such notes may be renewed from time to time, but all such notes, together with the renewals, shall mature and be payable not later than the end of the tax year in which issued,

and may be secured by pledge of such other revenues for such year.

Section 111. **INDEPENDENT AUDIT.** As soon as practicable after the close of each fiscal year, an independent audit, in accordance with specifications defined by ordinance, shall be made of all accounts of the City government by a Certified Public Accountant, selected by the Council, who shall have no personal interest directly or indirectly in the financial affairs of the City government, or of any of its officers. The results of this audit shall be published immediately upon its completion.

ARTICLE VIII

THE CORPORATION COURT

Section 112. **CREATION AND JURISDICTION**

113. **JUDGE OF THE CORPORATION COURT**

114. **CLERK OF COURT**

115. **PROSECUTING ATTORNEYS**

116. **DIVISIONS OF COURT**

Section 112. **CREATION AND JURISDICTION.** There is hereby established a Corporation Court of the City, which shall have such jurisdiction and powers as are given and prescribed by the laws of Texas. It shall also have jurisdiction over 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.

Section 113. **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 Council, and, at the time of his election, shall be a practicing attorney and shall have resided in the City for at least three years immediately preceding his appointment. He shall hold office at the pleasure of the Council.

If, for any cause, the Judge shall temporarily fail to act, the Mayor or Mayor Pro Tem of the City is hereby authorized to appoint a licensed attorney who shall act in the place of the Judge and who shall have all the powers and discharge all the duties of said office. The Judge or anyone acting in his place shall receive such compensation as may be determined by the Council.

Section 114. **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 in the classified civil service of the City, and who shall be appointed and who may be removed by the City Manager. The said clerks shall have authority to administer oaths and affirmations.

Section 115. **PROSECUTING ATTORNEYS.** The City shall be represented in all cases before the Corporation Court only by attorneys of the Legal Department of the City.

Section 116. **DIVISIONS OF COURT.** The Council shall have power to appoint additional Judges or to establish additional Corporation Courts.

ARTICLE IX

PLANNING COMMISSION

Section 117. **ORGANIZATION**

118. **DUTIES AND POWERS**

119. **DIRECTOR**

120. **EMPLOYEES**

121. **THE MASTER PLAN**

122. **PROCEDURE**

Paragraph 1. Master Plan

2. Rules and Regulations

123. **LEGAL EFFECT OF MASTER PLAN**

Section 117. **ORGANIZATION.** There is hereby established a Planning Commission which shall consist of nine members, who shall be appointed by the Council as nearly as practicable from various areas of the City for overlapping two year terms; provided however, that, initially, five members of the Commission shall be appointed for terms of two years and four members for terms of one year. The City Manager, a member of the Council designated by the Council, the Chairman of the Zoning Commission and the Chairman of the Zoning Board of Adjustment shall be ex-officio members of the Commission. The Council may appoint other ex-officio members. Appointive members of the Commission, other than those serving in an ex-officio capacity, may not hold any other public office for which compensation is paid by the State of Texas or any political subdivision thereof. A majority of appointive members, other than ex-officio, shall constitute a quorum. The Commission shall elect a chairman from its own membership, and shall meet not less than once each month. Members of the Commission, other than those serving in an ex-officio capacity, may be paid compensation not to exceed twenty dollars per meeting, and not exceeding \$1,040 per annum, as may be determined by the Council. Any vacancy occurring during the unexpired term of an appointive member

shall be filled by the Council for the remainder of the unexpired term.

Section 118. DUTIES AND POWERS.

Paragraph 1. The Commission shall be responsible to and shall act as an advisory body to the Council. The Commission shall:

(1) Make, amend, extend and add to a master plan for the physical development of the City.

(2) Submit annually to the City Manager, not less than ninety days prior to the beginning of the budget year, a list of recommended capital improvements to be constructed during the forthcoming five-year period.

(3) Submit annually its budget estimate to the Finance Department at the same time and in the same manner as is required of City departments and agencies.

(4) Keep a public record of its resolutions, findings, and determinations.

Paragraph 2. The Commission shall have power to:

(1) Prepare, adopt and administer rules and regulations pertaining to subdivisions and to platting in territory within the City limits and in territory outside of the City limits within five miles of such limits.

(2) Within its budget appropriation, contract with city planners and other consultants for such services as it may require.

(3) Make reports and recommendations relating to the plan and development of the City to public officials and agencies, public utility companies, civic, educational, professional and other organizations, and citizens.

Paragraph 3. The Commission shall perform such additional duties and exercise such additional powers as may be prescribed by ordinance.

Section 119. DIRECTOR. There shall be a Director of Planning who shall be appointed and removed by the City Manager and who shall receive such compensation as may be fixed by the Council. The Director shall be qualified in the field of city planning. He shall be the regular technical adviser of the Commission, may be designated as its executive secretary, and shall have such other authority and duties as the Commission may establish.

Section 120. EMPLOYEES. The Planning Commission shall have additional employees as may be provided by ordinance. Such employees shall be in the classified civil service of the City and shall be appointed and may be removed by the City Manager, or, with the approval of the City Manager, by the Director of Planning.

Section 121. THE MASTER PLAN. The master plan for the physical development of the City shall contain the Commission's recommendations for the growth, development and beautification of City territory. The Commission may adopt the master plan as a whole or in parts and may adopt any amendment thereto. The adoption of the plan or of any such part or amendment shall be by resolution, but before the adoption of the plan or any such part or amendment, the Commission shall hold at least one public hearing on the proposed action.

Section 122. PROCEDURE.

Paragraph 1. **Master Plan.** A copy of the master plan, or any part thereof, shall be forwarded to the City Manager who shall thereupon submit such plan or part thereof to the Council, together with his recommendations, if any. The Council may adopt or reject such plan or such part thereof as submitted; provided, however, that if the Council should fail to act on such plan or part thereof for sixty days following its submission by the City Manager, it shall be deemed thereafter approved. If such plan or part thereof should be rejected by the Council, the Planning Commission may modify such plan or part thereof and again forward it to the City Manager for submission to the Council.

Paragraph 2. **Rules and Regulations.** All rules and regulations adopted by the Planning Commission shall be forwarded to the City Manager who shall submit them to the Council with his recommendations. The Council may adopt or reject any such rules or regulations. If any rules or regulations should be rejected, the Planning Commission may modify them, and submit such modified rules and regulations or new rules and regulations to the City Manager for submission, with his recommendations to the Council.

Section 123. LEGAL EFFECT OF MASTER PLAN. Following the adoption of the master plan by the Council, no subdivision, street, park, nor any public way, ground or space, public building or structure and no public utility whether publicly or privately owned, shall be constructed or authorized in the City, nor shall any real property be acquired by the City, until and unless the location and extent thereof shall have been submitted to and approved by the Commission; provided, that, in case of disapproval, the Commission shall communicate its reasons to the Council, which shall have the power to overrule such disapproval, and, upon such overruling, the Council or the appropriate office, department or agency shall have power to proceed. The widening, narrowing, relocation, vacation or change in the use of any street, river, or watercourse, or other public way or ground or the sale of any public building or real property shall be subject to similar submission and approval, and failure to approve may be similarly overruled by the Council. The failure of the Commission to act within thirty days after the date of official submission to the Commission shall be deemed approval, unless a longer period be granted by the Council or the submitting official.

ARTICLE X

PUBLIC LIBRARY

- Section 124. **THE SAN ANTONIO PUBLIC LIBRARY**
- 125. **OFFICERS AND EMPLOYEES**
- 126. **PROPERTIES**
- 127. **FINANCE**

Section 124 THE SAN ANTONIO PUBLIC LIBRARY There is hereby established the San Antonio Public Library. Its personnel and properties of every description shall be managed by a Board of Trustees, which shall consist of not less than seven nor more than fifteen members who shall be electors of Bexar County, Texas and who shall be appointed by the Council; provided, however, that the number of such members shall be odd numbered; and provided, further, that such members shall serve without compensation from the City. Appointments to the Board shall be made for overlapping two year terms; provided, however, that, initially, a majority shall be appointed for terms of two years and the remainder for terms of one year.

Section 125. OFFICERS AND EMPLOYEES. The Board of Trustees of the public library shall have authority to appoint and remove all officers and employees of the library, subject to the civil service provisions of this Charter. The officers and employees thereof shall be entitled to all the rights and benefits under any provisions pertaining to appointive offices and employments of the City which are now or which may hereafter be in the classified civil service of the City.

Section 126. PROPERTIES. The Board of Trustees of the public library shall be exclusively responsible for the management, care, control and maintenance of its properties of every description.

Section 127. FINANCE. The Board of Trustees of the public library shall annually submit a budget estimate to the Department of Finance at the same time and in the same manner as is required of City departments and agencies. Such budget estimate shall thereupon be transmitted to the Council in the same manner as the budget estimates of City departments and agencies. The Council, in recognition of the public service rendered by the public library, shall give full consideration to its needs as stated in the budget estimate submitted by the board. Upon approval by the Council, the budget for the public library shall be included in the municipal budget and shall be subject to the same fiscal controls which apply to City departments and agencies.

ARTICLE XI

FRANCHISES

- Section 128. **INALIENABILITY OF PUBLIC PROPERTY**
- 129. **FRANCHISE POWER OF CITY**
- 130. **LIMITATION OF FRANCHISES**
- 131. **GRANTING OF FRANCHISES**
- 132. **POWER OF CITY OVER FRANCHISE HOLDERS**
- 133. **ANNUAL REPORTS AND STATEMENTS REQUIRED OF FRANCHISE HOLDERS**
- 134. **CONDITIONS OF FRANCHISES**
- 135. **INVESTIGATIONS AND PUBLIC HEARINGS**
- 136. **SUPERVISOR OF PUBLIC UTILITIES**
- 137. **MISCELLANEOUS PROVISIONS**

Section 128. INALIENABILITY OF PUBLIC PROPERTY. The ownership, right of control and use of the streets, highways, alleys, parks, public places and all other real property of the City is hereby declared to be inalienable by the City, except by ordinances passed by vote of a majority of the Council as hereinafter provided; and no franchise or easement involving the right to use the same, either along, across, over or under the same, shall ever be valid, unless expressly granted and exercised in compliance with the terms hereof, and of the ordinances granting such use. No act or omission of the City, its Council, officers or agents shall be construed to confer or extend by estoppel or indirection, any right, franchise or easement not expressly granted by ordinance.

Section 129. FRANCHISE POWER OF THE CITY. The City shall have the power, subject to the terms and provisions hereof, by ordinance to confer upon any person, firm or corporation the franchise or right to use the property of the City, as defined in the preceding section, for the purpose of furnishing to the public any general public service, including, without limitation, however, heat, light, power, telephone service, refrigeration, steam, and the carrying of passengers for hire whether over designated routes or not within the City or its suburbs over the streets, highways and property of the City, or for any other purpose, whereby a general service is to be furnished to the public for compensation or hire, to be paid to the franchise holder, whereby a right to, in part, appropriate or use the streets, highways or other property of the City is necessary or proper. The provisions hereof with references to public utilities shall not apply to those owned by the City.

Section 130. LIMITATIONS ON FRANCHISES. No exclusive franchise or privilege shall ever be granted, nor a franchise

nor a privilege to commence at any time after six months subsequent to the taking effect of the ordinance granting the same. No franchise or privilege shall be extended directly or indirectly beyond the term originally fixed by the ordinance granting the same.

An application for the renewal of a franchise or the granting of a new one may be considered and acted upon prior to the expiration date of the current franchise so that the new franchise may take effect upon the expiration date of the other; provided, however, that the procedure prescribed herein for the original granting of such franchise is followed in all particulars.

Section 131. GRANTING OF FRANCHISES. The City shall have the power by ordinance to grant any franchise or right mentioned in the preceding sections hereof, which ordinance shall not be passed finally until its third and final reading, which readings shall be at three separate regular meetings of the Council, the last of which shall take place not less than thirty days from the first. After the passage of the ordinance on its first reading, it shall be published once in a newspaper of general circulation in the City, advising all persons that a public hearing will be held on this franchise on the date stated. No ordinance granting a franchise shall pass any reading except by a vote of the majority of the Council and such ordinance shall not take effect until sixty days after its adoption on its third and final reading; provided, however, the ordinance shall be subject to referendum as provided by this Charter or now or as hereafter may be provided by the general laws of Texas.

Section 132. POWERS OF CITY OVER FRANCHISE HOLDERS. The City shall have the right and power, acting through the Council, to determine, fix and regulate the charges, fares or rates of any person, firm or corporation enjoying or that may enjoy a franchise or exercise any other public privilege in said City and to prescribe the kind of service to be furnished by such person, firm or corporation, and the manner in which it shall be rendered, and from time to time to alter or change such rules, regulations and compensation. The City shall have the power and authority to require extensions, betterments and improvements of the service that may be rendered by the holder of a franchise and shall likewise have the power to prevent the making of unnecessary or unprofitable extensions.

Section 133. ANNUAL REPORTS AND STATEMENTS REQUIRED OF FRANCHISE HOLDERS. Every person, firm or corporation holding a franchise or enjoying an easement of any sort through, under or from the City shall be required to prepare and file annually with the Council, within sixty days after the close of a fiscal year, a true, full and correct statement based upon the condition at the close of such fiscal year and the transactions for the current year which shall exhibit:

- (a) The amount of all stock issues of such corporation and the divisions thereof.
- (b) An itemized statement of indebtedness, its nature and division, whether floating or bonded, and the interest payable on each item thereof.
- (c) An itemized statement of income and the amounts derived from each source of income.
- (d) An itemized and detailed statement of expenditures.
- (e) An itemized statement of all property of every kind owned and used in rendering the public service, wherever situated and the location and fair market value of each item thereof.

Said annual statement shall be verified by oath of the person, a member of the firm or a duly authorized officer or agent of the corporation, and upon its filing shall become part of the permanent records of the City.

If any person, firm or corporation required to file such report shall fail to do so as herein provided, such failure shall be ground for forfeiture of the franchise and it shall be the duty of the City Attorney, after due notice to the grantee of such intention, to bring suit within a reasonable time in the District Court to forfeit the franchise granted and if it shall appear to the court that such person, firm or corporation has wilfully failed to make such report, it shall render judgment in the cause decreeing a forfeiture of such franchise and of all rights accruing thereunder.

Section 134. CONDITIONS OF FRANCHISES. Each franchise granted by the Council shall provide:

- (1) For the compensation to be paid to the City for the use and occupancy of the public property, which said compensation may be a fixed fee, or may be measured by gross receipts, or some other method mutually agreeable to the parties. Such compensation may be changed from time to time by mutual consent.
- (2) For the length of time that such franchise shall continue in effect; provided, however, that no franchise shall be granted for a period longer than twenty-five years.
- (3) That no franchise shall be assigned without the written consent of the Council, which consent shall be evidenced by a resolution or an ordinance.
- (4) That the procedure to be followed in ordering the making of extensions, betterments or permanent improvements of the service by the City or considering applications by the grantee for permission to make extensions, enlargement or betterments, be prescribed.
- (5) That no rate of return shall exceed a fair return upon the fair value of the property used in rendering the public service.
- (6) Each franchise shall provide for a method of account-

ing applicable to the particular business conducted by the grantee.

(7) Adequate provision shall be made in each franchise for the maintenance of sufficient depreciation reserves so that the integrity of the property used and useful in rendering the public service may be maintained. Each franchise shall specify the purposes for which the depreciation reserves may be used. In determining the amount and character of reserves required it shall be proper to resort to current common practices applicable to the particular utility concerned.

(8) Each franchise shall provide for a recapture provision whereby the City shall have the right to cancel the franchise and purchase the property of the franchise holder at a price to be determined according to the formula or method agreed upon in the franchise when granted.

(9) That the grantee may be required, at grantee's expense, to conform its installations in the streets, alleys, and public ways to any changes of grade made by the City.

Section 135. INVESTIGATIONS AND PUBLIC HEARINGS. The Council shall have full power to examine or cause to be examined at any time, and at all times the books, papers and records of franchise holders; to take testimony and compel the attendance of witnesses and the production of books, papers, and records and to examine witnesses under oath and under such rules and regulations as it may adopt, and should any franchise holder refuse to permit the inspection of such books, papers or records by the Council or by any one designated by it to make such inspection, or fail to produce the same when notified to do so by the Council, or should any officer, agent or employee of such franchise holder refuse to give testimony before the Council, the Council shall have the power by ordinance, to declare the franchise or privilege enjoyed by such person, firm or corporation in default, and terminated.

The Council shall have the power to call a public hearing, giving reasonable notice to the holder of a franchise, to determine whether or not an application to increase rates shall be granted or to determine whether or not the rates currently charged by any holder of a franchise for the service rendered are excessive. In that connection the Council shall have full power to examine the books, papers and records of the franchise holder, and to compel the attendance of all witnesses deemed necessary for the ascertainment of the facts in connection with said inquiry. Failure to obey any subpoena to appear as a witness shall be punishable by the Council for contempt by any appropriate proceedings permitted by law.

Section 136. SUPERVISOR OF PUBLIC UTILITIES. There is hereby created the Office of Supervisor of Public Utilities, who shall be nominated by the City Manager and confirmed by the Council. He shall serve at the pleasure of the City Manager and shall receive such compensation as may be fixed by the Council. The Supervisor of Public Utilities shall have such assistants as may be determined by the Council in cooperation with the City Manager.

The Supervisor shall assemble the facts which are essential to proper determination of cost of service and the fixing of reasonable rates. He shall have and keep up to date an inventory of the property used in public service, the cost of such properties as actually and reasonably incurred or as fixed by appraisal, additions and retirements made each year, the depreciation and all matters that enter into the periodical readjustment of the rate base. He and his assistants under his direction shall have power to make and shall conduct, all inspections and examinations of public utility properties, accounts and records. At the close of each calendar or fiscal year, he shall make a comprehensive report and recommendations to the Council, which, after receiving them, may proceed with informal negotiations or with formal proceedings. Every public utility operating within the City shall furnish the Supervisor regular reports as to capital outlay, property retirements, operating revenues, operating expenses, taxes and other accounting matters according to the standard accounting classifications for each such utility. In addition the City may require reports regarding salaries, wages, employees, contracts, service performance and all other records of operation that pertain to proper rate adjustments on the basis of facts and regular administration.

In connection with any application for an increase in rates, fares, or charges by a holder of a franchise, or an inquiry initiated by the Council as to the reasonableness of the rates charged by any franchise holder, the Council may refer the matter to the Supervisor for the purpose of affording to the holder a hearing thereon. The Supervisor may give such a rate hearing to any such person, firm or corporation provided for hereunder and report his findings and recommendations to the Council for their adoption, revision or rejection.

The Supervisor, while sitting for the purpose of giving such hearing shall have all the powers herein conferred on the Council to inspect books and compel attendance of witnesses and may prescribe the penalties provided herein for failure or refusal to attend and testify or produce such books.

The Council may certify any such hearing to the Supervisor whenever it deems it advantageous to have the Supervisor sit and give such hearing instead of the Council; provided, however, that the evidence at any hearing so held and the findings of the Supervisor shall be fully reported to the Council for its approval, amendment, revision or rejection.

The Supervisor shall perform such other duties and services affecting public utilities as are assigned to him or directed by the City Manager or Council.

Section 137. MISCELLANEOUS PROVISIONS. The Coun-

cil shall have the right by resolution to grant a temporary use of a street, alley, public way or public property for a period not to exceed two years and by ordinance, in the nature of a franchise, for a period not to exceed twenty-five years, and charge therefor such compensation annually as may be proper. The grants contemplated by this section do not include utility franchises as that term is generally understood. In this connection the Council shall have the right to grant to the owner of property abutting upon the streets, or other property of the City, the use thereof or to go under or over the same in any manner which may be necessary or proper to the better enjoyment of said abutting property by the owner; provided, however, that such use be not inconsistent with, or does not unreasonably impair the public use to which said street or other property may be dedicated.

The Council shall fix the terms and conditions of any such grant and the time for which the same shall exist. The right is expressly reserved to the City, acting through the Council to terminate such grant when deemed inconsistent with the public use of the property of the City, or when the same may become a nuisance.

ARTICLE XII

GENERAL PROVISIONS

Section 138. OATH OF OFFICE

139. QUALIFICATION OF ELECTIVE OFFICERS

140. PROHIBITIONS ON CANDIDATES FOR

CITY RECORDS OPEN TO PUBLIC

146. SECURITY OR BOND NOT REQUIRED

147. EXECUTION AND GARNISHMENT

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149. COMPETENCY OF INHABITANTS OR TAXPAYERS

150. LIABILITY OF THE CITY AND LIMITATIONS THEREON

151. LIABILITY OF OFFICERS AND EMPLOYEES

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155. CONTINUATION

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160. OFFICERS TO HOLD OVER UNTIL THEIR SUCCESSORS ARE APPOINTED AND QUALIFIED

161. PUBLIC ACT, LIBERAL CONSTRUCTION

162. RENUMBERING AND REARRANGEMENT OF CHARTER PROVISIONS

163. AMENDMENTS

164. SEPARABILITY CLAUSE

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Section 138. OATH OF OFFICE. Every person elected or appointed to office in the City shall, before entering upon the duties of his office, take and subscribe the official oath prescribed by the State Constitution and shall give such bond and security for the faithful discharge of his duties as may be required by ordinance.

Section 139. QUALIFICATION OF ELECTIVE OFFICERS. All elective officers of the City shall qualify within ten days after election and failure to do so, except in case of sickness, shall vacate said office, and an election shall be immediately called to fill such vacancy.

Section 140. PROHIBITIONS ON CANDIDATES FOR OFFICE OR EMPLOYMENT. It shall be unlawful for any

candidate or any person who may become a candidate for any office or employment under the government of the City, directly or indirectly, to offer or promise to any person or persons any office or employment under the City government or any benefit to be derived therefrom in the event of the election or appointment of such candidate to any such office or employment; or to promise or agree to use his influence to obtain for any person any office or employment under the government of the City. Any violation of any of the provisions of this section shall be a misdemeanor and shall be grounds for removal from office or employment.

Section 141. INTEREST IN CITY CONTRACTS PROHIBITED. No officer or employee of the City shall have a financial interest, direct or indirect, in any contract with the City, or shall be financially interested, directly or indirectly, in the sale to the City of any land, materials, supplies or service, except on behalf of the City as an officer or employee. Any willful violation of this section shall constitute malfeasance in office, and any officer or employee guilty thereof shall thereby forfeit his office or position. Any violation of this section, with the knowledge, expressed or implied, of the person or corporation contracting with the Council shall render the contract involved voidable by the City Manager or the Council.

Section 142. LIMITATION ON DEBTS INCURRED. Any debt hereafter contracted by any officer of the City, or by any person on account of the City, the payment of which has not been previously provided for by ordinance duly adopted by the Council, shall be absolutely null and void and uncollectible at law or in equity, and it shall be the duty of the City Attorney to plead this provision to defeat the collection or enforcement of any such claim or debt.

Section 143. COSTS OR FEES OF OFFICE. No officer of the City shall ever be entitled to costs or fees of office except for the use of the City; and all penalties, forfeitures, fines, costs and fees of office to accrue hereafter shall be paid into the City depository, and no money shall be drawn from the depository except in the pursuance of a specific appropriation of the Council; nor shall any appropriation for private or individual purposes be made, except as provided in Article I, Section 3, Paragraph 12 of this Charter.

Section 144. CITY RECORDS ADMISSIBLE AS EVIDENCE. Certified copies of the records, papers and books of City officers or employees shall be admissible in evidence when certified by the custodian of such papers, books and records, and attested by him under his seal, if he have one; provided, that for issuing such certified copies the City shall receive such fees as may be provided by ordinance.

Section 145. CITY RECORDS OPEN TO PUBLIC. Every citizen shall, during office hours, have the right to examine any and all books, vouchers, records and papers belonging to the City and shall have the right to take copies; and it shall be the duty of the proper custodian of such papers and records to produce and exhibit any such papers or records demanded to be inspected by any such citizen.

Section 146. SECURITY OR BOND NOT REQUIRED. The City shall not be required to give any bond for security for costs or any other security in any suit or action brought by or against it, or in any proceeding to which it may be a party in any court in this State; and the City shall have all remedies of appeal provided by law to all courts in this State without bond or security of any kind, but shall be liable in the same manner and to the same extent as if the bond, undertaking or security required in other cases had actually been executed and given.

Section 147. EXECUTION AND GARNISHMENT. No execution shall be issued or levied by virtue of any judgment that may be recovered against the City, but the Council shall provide for the payments of judgments in the levying of taxes next after the final recovery of such judgments from the City. All assets of the City, including lands, houses, moneys, debts due the City, personal and real property, and assets of every description belonging to the City, shall be exempt from execution and sale; but the City shall make provisions, by taxation or otherwise, for the payment of any and all indebtedness incurred by the City. No writ of garnishment shall issue against the City to subject or seize any debt due or which may hereafter become due from the City to any person or corporation, or any claim or demand upon any fund in the hands of said City or any of its officers; nor shall the City or any of its officers or agents, be required to answer any writ of garnishment.

Section 148. ASSIGNMENTS. The City shall not recognize transfers or assignments of salaries or wages, nor shall any officer of the City receive or honor any drafts or order drawn by any person against his salary or wages, but the warrant or money shall in every instance be delivered or paid to the person entitled thereto according to the City's accounts; nor shall any officer of the City issue any certificates of indebtedness. Nothing herein contained shall prevent the holder of a warrant from transferring it. If the Council so declares by ordinance, a warrant for the total amount of any pay roll may be drawn in favor of the person paying such pay roll, and such warrant shall have the same legal standing and effect as any other warrant.

Section 149. COMPETENCY OF INHABITANTS OR TAXPAYERS. No person shall be disqualified as a judge, justice or juror by reason of his being an inhabitant in the City or subject to taxation by the City in any action or proceeding in which the City may be a party at interest.

Section 150. LIABILITY OF THE CITY AND LIMITATIONS THEREON. Before the City shall be liable for damages for the death or personal injuries of any person or for damage to

or destruction of property of any kind, the person injured, if living, or his representatives, if dead, or the owner of the property injured or destroyed, shall give the City Manager or the City Clerk notice in writing of such death, injury or destruction within ninety days after same has been sustained, stating in such written notice when, where and how the death, injury or destruction occurred, and the apparent extent of any such injury, and the amount of damages sustained; provided, however, that in no event shall the City be liable in damages to any one on account of any defect in, obstruction, on or anything else in connection with any sidewalk in the City. And provided, further, that in order to hold the City liable in damages to any one on account of any injury caused by any defect in, obstruction on, or anything else in connection with any street, alley or plaza, bridge, river bank, water course, or any public way, it must be shown that the City Manager, a member of the Council, or some person having superintendence or control of the work for the City had actual knowledge or actual notice of such defect, obstruction or other thing for a sufficient length of time before such injury was received, to have remedied or guarded against such condition of the street, alley or plaza before the injury was received.

Section 151. LIABILITY OF OFFICERS AND EMPLOYEES. No officer or employee of the City shall be liable for damages for any act committed in the proper discharge of his duties.

Section 152. SCHOOL DISTRICT TAXES. It shall be the duty of the City of San Antonio to assess and collect, free of charge or deduction, taxes accruing to the Independent School District of the City of San Antonio, and to pay over and cause to be paid over, at least monthly, to the proper officer designated by said Board of Trustees, all moneys belonging to such district and collected by City officials.

153. CEMETERY LOTS EXEMPT. The cemetery lots which have been or may hereafter be laid out and sold by the City for private places of burial, shall, with the appurtenances, forever be exempt from taxes, executions, attachments and forced sales.

Section 154. APPOINTMENTS TO BOARDS, COMMISSIONS AND AUTHORITIES. The City Manager, with the approval of the Council, shall appoint all members of regulatory and zoning boards or commissions, and of all authorities heretofore or hereafter established under the authority of ordinances of the City or the laws of Texas. No member of any such board, Commission or authority may be compensated by the City at a rate in excess of twenty dollars per meeting, or more than \$1040.00 per annum; provided, however, that this limitation shall not apply to members of the Board of Equalization.

Section 155. CONTINUATION. All rights, actions, penalties and forfeitures in suits or otherwise which have accrued prior to adoption of this Charter shall be vested in and possessed by the City and no suit pending shall be affected by the passage of this Charter, but the same shall be prosecuted or defended, as the case may be, by the City.

Section 156. EFFECT OF THIS CHARTER ON EXISTING LAW. Until December 31, 1951, all ordinances, resolutions, rules and regulations in force prior to the adoption of this Charter shall remain in full force and effect. On and after January 1, 1952, all ordinances, resolutions, rules and regulations which were in force prior to that date and which are not in conflict with the provisions of this Charter shall remain in full force and effect until otherwise amended, altered or repealed by the Council.

Section 157. INTERIM GOVERNMENT, TRANSITIONAL PROVISIONS. Upon adoption of this Charter and through December 31, 1951, the present qualified and acting Board of Commissioners shall constitute the City Council and shall possess all of the powers possessed by them prior to the adoption of this Charter. On the third business day following the ascertainment of the result of the first election of members of the Council under this Charter the newly elected members of Council shall meet at ten o'clock A.M. in the Council Chamber in the City Hall to consider the appointment of a City Manager and the preparation of such ordinances as may be necessary to effectuate the transition from the present form of government to that established by this Charter. The Council-elect shall choose one of its number to be chairman and the City Clerk shall act as its secretary. It shall at its first meeting fix the times and places at which it will hold regular meetings for the above stated purposes and shall hold such adjourned and special meetings as it may determine by majority vote of its members. The expenses of the Council-elect, including the expense of advertising for applicants for the position of City Manager and of interviewing and investigating such applicants in San Antonio or elsewhere shall be paid from the City treasury on vouchers signed by the chairman of the Council-elect.

Section 158. SPECIAL PROVISION FOR APPOINTMENTS. The terms of office or membership of all persons heretofore appointed to all boards, commissions, committees or authorities of the City, as authorized by the Charter of the City or the laws of Texas, shall terminate on December 31, 1951. The terms of office or membership of all persons appointed on or after January 1, 1952, to all boards, commissions, committees or authorities of the City, as authorized by this Charter or the laws of Texas, shall terminate on April 30, 1953; provided, however, that the terms of office or membership of all persons appointed on or after May 1, 1953, to all boards, commissions, committees or authorities of the City, as authorized by this Charter or the laws of Texas, may be for the terms authorized for initial and succeeding appointments by this Charter or the laws of Texas.

Section 159. LOYALTY OATH. Before entering upon the

duties of his or her office or employment, every officer and employee of the City shall swear or affirm to the following:

"I _____, do solemnly swear (or
(Name of officer or employee)

affirm) that I do not advocate, nor am I a member or affiliate of any organization, group or combination of persons that advocates the overthrow of the Government of the United States of America by force or violence; and that during the tenure of my office or employment under the City of San Antonio, Texas, I will not advocate nor become a member or an affiliate of any organization, group or combination of persons that advocates the overthrow of the Government of the United States of America by force or violence." The foregoing oath shall be sworn to or affirmed before a person qualified to administer oaths or affirmations, and shall be attested to by such person. Any person who shall be found guilty, in a public hearing held thereon by the Council, of having falsely taken such oath shall immediately forfeit his or her office or employment under the City, and, upon conviction of such offense in any court having jurisdiction, may be punished as provided by the general laws of this State.

Section 160. OFFICERS TO HOLD OVER UNTIL THEIR SUCCESSORS ARE APPOINTED AND QUALIFIED. Whenever under the provisions of this Charter any officer of the City, judge or member of any board or commission is appointed for a fixed term, such officer, judge or member shall continue to hold office until his successor is appointed and qualified.

Section 161. PUBLIC ACT, LIBERAL CONSTRUCTION. This Charter shall be deemed a public act, and may be read in evidence without pleading or proof, and judicial notice shall be taken thereof in all courts and places. It is intended by this Charter to promote a more efficient and effective government

paragraphs of this Charter shall deem appropriate.

Section 163. AMENDMENTS. This Charter may be amended at any time in accordance with the applicable provisions contained in Chapter 13 of Title 28 of the Revised Civil Statutes of Texas of 1925 and amendments thereto and any amendments that may be made hereafter; and as provided by the Constitution of Texas.

Section 164. SEPARABILITY CLAUSE. Should any article, section, part, paragraph, sentence, phrase, clause or word of this Charter, for any reason, be held illegal, inoperative or invalid, or if any exception to or limitation upon any general provision herein contained be held to be unconstitutional or invalid or ineffective, the remainder shall, nevertheless, stand effective and valid as if it had been enacted with the portion held to be unconstitutional or invalid or ineffective.

Section 165. SUBMISSION OF CHARTER TO ELECTORS. The Charter Commission in preparing this Charter finds and decides that it is impracticable to segregate each subject so as to permit a vote of "yes" or "no" on the same, for the reason that the Charter is so constructed that in order to enable it to work and function it is necessary that it should be adopted in its entirety. For these reasons the Charter Commission directs that the said Charter be voted upon as a whole and that it shall be submitted to the qualified voters of the City of San Antonio at an election to be held for that purpose on the 2nd day of October, A.D., 1951. If a majority of the qualified voters voting in such election shall vote in favor of the adoption of this Charter, it shall become the Charter of the City of San Antonio, and after the returns have been canvassed, the same shall be declared adopted and the City Clerk shall file an official copy of the Charter with the records of the City. The Clerk shall furnish the Mayor a copy of said Charter, which copy of the Charter so adopted, authenticated and certified by his signature and the seal of the City, shall be forwarded by the Mayor to the Secretary of State of the State of Texas and shall show the approval of such Charter by majority vote of the qualified voters voting at such election.

In not less than thirty days prior to such election the Council shall cause the City Clerk to mail a copy of this Charter to each qualified voter of the City of San Antonio as of the thirty-first day of January next preceding said election.

We, the undersigned members of the Charter Commission of the City of San Antonio, heretofore duly elected to frame a new Charter for the City of San Antonio, Texas, do hereby certify that this document constitutes the proposed new Charter of the City of San Antonio, Texas, as framed by the said Charter Commission.

W. W. McAllister, Chairman
Jack R. Locke, Vice-Chairman
Ruben Lozano, Secretary

William B. Arnold
Atlee B. Ayres
C. Stanley Banks
Mrs. Rufus D. Bell
S. H. Gates
Mrs. Harold L. Gee

Mrs. Manfred J. Gerhardt
Dr. Nelson Greeman
Arley V. Knight
Dr. John L. McMahon
Sid Murray, Sr.
Joe Olivares