



City of Abilene City Council Agenda

Weldon Hurt, Mayor Pro-tem
Shane Price, Council Member
Lynn Beard, Council Member
Robert Hanna, City Manager

Anthony Williams, Mayor

Donna Albus, Council Member
Kyle McAlister, Council Member
Travis Craver, Council Member
Stanley Smith, City Attorney
Shawna Atkinson, City Secretary

Special Called Meeting

Notice is hereby given of a Special Called meeting of the City Council of City of Abilene to be held on August 18, 2022, at 8:30 a.m., at City Hall, 555 Walnut Street, Council Chambers, Abilene, Texas, for the purpose of considering the following agenda items. All agenda items are subject to action. The City Council reserves the right to meet in a closed session on any agenda item should the need arise and if applicable pursuant to authorization by Title 5, Chapter 551, of the Texas Government Code.

CALL TO ORDER

INVOCATION

1. Mayor Pro-tem Weldon Hurt

PLEDGE TO THE UNITED STATES FLAG AND THE TEXAS FLAG

REGULAR AGENDA - ORDINANCES AND PUBLIC HEARINGS - RESOLUTIONS

2. **Ordinance (Final Reading):** Receive a Report, Hold a Discussion and Public Hearing, and Take Action on Ordering a City of Abilene Special Election to be Held on Tuesday, November 8, 2022, for the Purpose of Amending Sections of the Charter of the City of Abilene **(Shawna Atkinson)**

ADJOURNMENT

In compliance with the Americans with Disabilities Act, the City of Abilene will provide for reasonable accommodations for persons attending City Council meetings. To better serve you, requests should be received 48 hours prior to the meetings. Please call 325-676-6208.

CERTIFICATION

I hereby certify the above meeting notice was posted on the bulletin board at the City Hall of the City of Abilene, Texas, on the 11th day of August, 2022, at 4:15 p.m.

Shawna Atkinson, TRMC, CMC
City Secretary



**City Council
Agenda Memo**

City Council Meeting Date: 8/18/2022

TO: Honorable Mayor & Members of City Council

FROM: Shawna Atkinson, City Secretary

SUBJECT: 2. Ordinance (Final Reading): Receive a Report, Hold a Discussion and Public Hearing, and Take Action on Ordering a City of Abilene Special Election to be Held on Tuesday, November 8, 2022, for the Purpose of Amending Sections of the Charter of the City of Abilene (Shawna Atkinson)

GENERAL INFORMATION

The City Council discussed proposed Charter Amendments during its Workshop meeting held on February 11, 2022. The City of Abilene Charter hasn't been amended since 2006, and some sections need to be revised to conform to current practices. There will be 6 propositions for voters to elect yes or no on.:

1. Replacing the words *He and Him* with *He or She* and *Him or Her*
2. Replacing the words *Councilman* and *Councilmen* with *Councilmember* and *Councilmembers*
3. Removing the provision that the parks & recreation board is responsible for implementation of the parks and recreation policies through the city
4. Amending that the director of the parks and recreation department shall be appointed by the city manager and serve as a technical advisor of the parks and recreation board, and shall have the status of a director of the department
5. Removing the provision that the planning and zoning commission shall submit annually to the city manager a list of recommended capital improvements
6. Amending that police officers and fire fighters shall abide by the applicable civil service statutes governing political activities

Section 3.005(c) of the Texas Election Code requires a November election be ordered not later than the 78th day before election day. For the November 8th election, the deadline for ordering the election is Tuesday, August 22, 2022. Since the next regular City Council meeting falls after this date, a special election has been called for Monday, August 15th, to allow for the second

reading of this ordinance.

Texas Election Code, Chapter 43, authorizes countywide polling place programs. Taylor County, through its Elections Department, utilizes Vote Centers. Use of these vote centers will apply to this election.

SPECIAL CONSIDERATIONS

FUNDING/FISCAL IMPACT

None.

STAFF RECOMMENDATION

Staff recommends approval of the Resolution ordering the election.

BOARD OR COMMISSION RECOMMENDATION

N/A

ATTACHMENTS:

1. ORDINANCE Calling Election Amendment to Charter Nov 2022
2. ORDINANCE Calling Election Amendment to Charter Nov 2022 SPANISH
3. REDLINE Revised ORDINANCE Calling Election Amendment to Charter Nov 2022
4. Early Voting Schedule
5. ED County Wide Vote Centers
6. Presentation - Charter Amendments

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ABILENE, TEXAS, CALLING A SPECIAL ELECTION TO BE HELD IN ABILENE, TEXAS ON NOVEMBER 8, 2022, TO ALLOW THE VOTERS TO CONSIDER AMENDING SECTIONS OF THE CHARTER OF THE CITY OF ABILENE; AND PROVIDING FOR A PROCLAMATION NOTICE AND PUBLICATION NOTICE OF SAID ELECTION.

WHEREAS, the City of Abilene is a home rule municipality that operate under the charter form of government pursuant to Article XI, Section 5 of the Texas Constitution; and

WHEREAS, the Charter has not been amended since 2006, and some sections should be revised to conform to the current practice of the City; and

WHEREAS, the City is authorized pursuant to Texas Local Government Code Chapter 9 to call an election to seek voter approval to amend the Charter; and

WHEREAS, the City of Abilene, Texas is authorized by law to hold such election on November 8, 2022 in conjunction with the state and county election.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ABILENE, TEXAS:

PART 1: That an election is, and the same is hereby ordered to be held within the jurisdiction of the City of Abilene, Texas, on the 8th day of November, 2022, pursuant to the laws of the State of Texas, the Charter of the City of Abilene, Texas, and contracts between the City and Taylor and Jones Counties for election services. Such election shall be held for the purpose of considering amendments to the City Charter of the City of Abilene.

PART 2: That the election shall provide for voting for or against the following propositions:

- 1. Amend the City Charter of the City of Abilene throughout to replace the words *He*, *His* and *Him* with the words *He or She*, *His or Her*, and *Him or Her*.**

The ballot will read:

Shall the City Charter of the City of Abilene be amended throughout to replace the words “he”, “his” and “him” with the words “he or she”, “his or her”, and “him or her?”

YES: _____

NO: _____

2. **Amend the City Charter of the City of Abilene throughout to replace the words *Councilman* and *Councilmen* with the words *Councilmember* and *Councilmembers*.**

The ballot will read:

Shall the City Charter of the City of Abilene be amended throughout to replace the words “Councilman” and “Councilmen” with the words “Councilmember” and “Councilmembers?”

YES: _____

NO: _____

3. **Amend Section 58, Same – To Formulate Policies to read as follows:**

The parks and recreation board shall be responsible for the formulation and recommendation of park and recreation policies to the city manager and the council, ~~and shall be responsible for the implementation of such policies throughout the city.~~

The ballot will read:

Shall Section 58 of the City Charter of the City of Abilene be amended to remove the provision that the Parks and Recreation Board is responsible for the implementation of the parks and recreation policies throughout the city?

YES: _____

NO: _____

4. **Amend Section 63, Parks and Recreation Department – Created; Director to read as follows:**

There shall be a parks and recreation department, ~~the director of which shall be appointed by the city manager with the approval of the parks and recreation board. Said director shall be subject to removal by the city manager.~~ **The director of parks and recreation shall be appointed by the city manager. The director of parks and recreation shall serve as the regular technical advisor of the parks and recreation board, shall have the status of a director of a department and shall have such other duties and responsibilities as the city manager may establish.**

The ballot will read:

Shall Section 63 of the City Charter of the City of Abilene be amended to read that the director of the parks and recreation department shall be appointed by the city manager,

shall serve as the regular technical advisor of the parks and recreation board, and shall have the status of a director of the department and have such other duties and responsibilities as the city manager may establish?

YES: _____

NO: _____

5. Amend Section 84, Same – Powers and Duties to read as follows:

The planning and zoning commission shall:

- a. Make, amend, extend or add to a general plan for the physical development of the city which shall contain the commission's recommendations for growth, improvement and beautification of the city. A copy of the general plan, or any part thereof, shall be forwarded to the city manager who shall thereupon submit such plan to the council with his or her recommendations thereon. The council may adopt this plan as a whole or in part, and may adopt any amendment thereto, after at least one public hearing on the proposed action. All amendments to the general plan recommended by the planning and zoning commission shall be submitted in the same manner to the council for approval, and all recommendations to the council from any city department affecting the general plan must be accompanied by a recommendation from the planning and zoning commission.
- b. Recommend to the council approval or disapproval of proposed changes in zoning districts;
- c. Approve or disapprove the platting or subdividing of land within the corporate limits of the city and within adjacent areas as permitted by law;
- d. ~~Submit annually to the city manager, not less than ninety (90) days prior to the beginning of the budget year, a list of recommended capital improvements, if any, which, in the opinion of the commission, are necessary or desirable during the forthcoming five-year period;~~**
- e. Require information from the other departments of the city government in relation to its work;
- f. Recommend to the council approval or disapproval of plans for slum clearance, public housing and urban redevelopment and renewal projects;
- g. Perform such additional duties and exercise such additional powers as may be prescribed by ordinance not inconsistent with the provisions of this Charter.

The ballot will read:

Shall Section 84 of the City Charter of the City of Abilene be amended to remove the provision that the planning and zoning commission shall submit annually to the city

manager a list of recommended capital improvements which, in the opinion of the commission, are necessary or desirable during the forthcoming five year period?

YES: _____

NO: _____

6. Amend Section 137, Political Activity to read as follows:

No appointed or hired employee on the payroll of the city shall make a contribution to the campaign fund of any person seeking election to a city office or to any political party supporting a candidate for election to a city office, nor shall he or she be solicited for this purpose; nor shall he or she take active part in any political campaign relating to an election to a city office. **Notwithstanding the above, police officers and fire fighters shall abide by the applicable civil service statutes governing political activities.**

The ballot will read:

Shall Section 137 of the City Charter of the City of Abilene be amended to read that police officers and fire fighters shall abide by the applicable civil service statutes governing political activities?

YES: _____

NO: _____

PART 5: Locations of the polling places are as designated in Exhibit A, attached to this ordinance, but which locations may be changed by Taylor or Jones Counties, and which changes, if any, are hereby made part of this ordinance by reference and can be found by visiting the Taylor County webpage, if you reside in Taylor County: <http://www.taylorcountytexas.org/214/current-elections> or by contacting:

Taylor County Elections Administrator
400 Oak Street, #101, Abilene, Texas 79602
(325) 674-1216

or by visiting the Jones County webpage, if you reside in Jones County: <https://www.co.jones.tx.us/page/jones.Elections> or by contacting:

Jones County Clerk
P.O Box 552, Anson, Texas 79501
(325) 823-3762

PART 5: Early voting will be conducted at the locations and during the dates and times established by Taylor and Jones Counties, as reflected in Exhibit B, attached to this ordinance, but which locations may be changed by Taylor or Jones Counties, and which

changes, if any, are hereby made part of this resolution by reference and can be found by visiting the Taylor County webpage if you reside in Taylor County: <http://www.taylorcountytexas.org/214/current-elections> or by contacting:

Taylor County Elections Administrator
400 Oak Street, #101, Abilene, Texas 79602
(325) 674-1216

or by visiting the Jones County webpage, if you reside in Jones County: <https://www.co.jones.tx.us/page/jones.Elections> or by contacting:

Jones County Clerk
P.O. Box 552, Anson, Texas 79501
(325) 823-3762

PART 6: Applications for ballots by mail must be received no later by 5:00 p.m., October 31, 2022, and sent to the following:

Freda Ragan
Taylor County Elections Administrator
P. O. Box 3318
Abilene, Texas 79604
Email: raganfr@taylorcountytexas.org

Or

LeeAnn Jennings
Jones County Clerk
P.O. Box 552
Anson, Texas 79501
Email: ljennings@co.jones.tx.us

PART 7: Pursuant to Section 9.004(c)(2), Texas Local Government Code, the anticipated fiscal impact to the City if the proposed amendments are approved is \$0.00.

PART 8: Notice of said election shall be published in accordance with Chapter 4 of the Election Code. Additionally, in accordance with Section 9.004(c), Texas Local Government Code, notice of the election shall be published in a newspaper of general circulation in Abilene on the same day, in each of two consecutive weeks, with the first publication occurring before the 14th day before the election day. The Notice shall contain a substantial copy of the proposed amendments and shall include an estimate of the anticipated fiscal impact to the City if the amendments are approved.

PART 9: It is hereby declared to be the intention of the City Council that the phrases, clauses, sentences, paragraphs, and sections of this ordinance are severable, and if any phrase,

clause, sentence, paragraph, or section of this ordinance shall be declared unconstitutional by the valid judgment or decree of any court of competent jurisdiction, such unconstitutionality shall not affect any of the remaining phrases, clauses, sentences, paragraphs and sections of this ordinance, since the same would have been enacted by the City Council without the incorporation in this ordinance of any such unconstitutional phrase, clause, sentence, paragraph or section.

PART 10: This Ordinance shall take effect immediately from and after its date of final passage.

PART 11: That if the Charter Amendments shall receive a majority of “YES” votes, the amendments shall take effect pursuant to Local Government Code section 9.005.

PASSED ON FIRST READING THIS 11th DAY OF AUGUST, 2022.

PASSED ON SECOND AND FINAL READING THIS _____ DAY OF AUGUST, 2022.

ATTEST:

City Secretary

Mayor

APPROVED:

City Attorney

ORDENANZA NÚM. 42-2022

UNA ORDENANZA DEL CONCEJO MUNICIPAL DE LA CIUDAD DE ABILENE, TEXAS, QUE CONVOCA A ELECCIONES ESPECIALES QUE SE CELEBRARÁN EN ABILENE, TEXAS EL 8 DE NOVIEMBRE DE 2022, PARA PERMITIR A LOS VOTANTES CONSIDERAR LA ENMIENDA DE SECCIONES DE LA CARTA CONSTITUTIVA DE LA CIUDAD DE ABILENE; Y PROPORCIONAR UN AVISO DE PROCLAMACIÓN Y PUBLICACIÓN DE DICHA ELECCIÓN.

POR CUANTO , la ciudad de Abilene es un municipio de gobierno autónomo que opera bajo la forma de estatuto de gobierno de conformidad con el Artículo XI, Sección 5 de la Constitución de Texas; y

POR CUANTO , la Carta no ha sido enmendada desde 2006, y algunas secciones deben revisarse para ajustarse a la práctica actual de la Ciudad; y

POR CUANTO , la Ciudad está autorizada de conformidad con el Capítulo 9 del Código de Gobierno Local de Texas a convocar una elección para buscar la aprobación de los votantes para enmendar la Carta; y

POR CUANTO , la ciudad de Abilene, Texas, está autorizada por ley a celebrar dicha elección el 8 de noviembre de 2022 junto con las elecciones estatales y del condado.

AHORA, POR LO TANTO, EL CONCEJO MUNICIPAL DE LA CIUDAD DE ABILENE, TEXAS ORDENA:

PARTE 1: Que una elección es, y por la presente se ordena que se lleve a cabo dentro de la jurisdicción de la Ciudad de Abilene, Texas, el 8 de noviembre de ²⁰²², de conformidad con las leyes del Estado de Texas, la Carta de la ciudad de Abilene, Texas, y contratos entre la ciudad y los condados de Taylor y Jones para servicios electorales. Dicha elección se llevará a cabo con el fin de considerar las enmiendas a la Carta Constitutiva de la Ciudad de Abilene.

PARTE 2: Que la elección preverá votar a favor o en contra de las siguientes proposiciones:

- 1. Enmendar le Carta Constitutiva de la Ciudad de Abilene a lo largo de para reemplazar las palabras *Él, Suyo y Él* con las palabras *Él o Ella, Suyo o Ella, y Él o Ella*.**

La boleta dirá:

¿Deberán enmendarse la Carta Constitutiva de la Ciudad de Abilene para reemplazar a lo largo de las palabras "él", "su" y "él" con las palabras "él o ella", "su o ella" y "él o ella?"

SÍ: _____

N.º: _____

- 2. Enmendar le Carta Constitutiva de la Ciudad de Abilene a lo largo de para reemplazar las palabras *Concejal* y *Concejales* por las palabras *Concejal* y *Concejales*.**

La boleta dirá:

¿Deberían enmendarse los Estatutos de la Ciudad de Abilene para reemplazar las palabras "Concejal" y "Concejales" con las palabras "Concejal" y "Concejales"?

SÍ: _____

NO: _____

- 3. Enmendarse el Artículo 58, Igual - Para Formular Políticas, para quedar como sigue:**

La junta de parques y recreación será responsable de la formulación y recomendación de políticas de parques y recreación al administrador de la ciudad y al concejo ~~, y será responsable de la implementación de dichas políticas en toda la ciudad.~~

La boleta dirá:

¿Se debe enmendar la Sección 58 de los Estatutos de la Ciudad de Abilene para eliminar la disposición de que la Junta de Parques y Recreación es responsable de la implementación de las políticas de parques y recreación en toda la ciudad?

SÍ: _____

N.º: _____

- 4. Enmendar la Sección 63, Departamento de Parques y Recreación – Creado; Director para leer lo siguiente:**

Habrá un departamento de parques y recreación . ~~, cuyo director será designado por el administrador de la ciudad con la aprobación de la junta de parques y recreación. Dicho director estará sujeto a remoción por parte del administrador de la ciudad.~~ **El director de parques y recreación será designado por el administrador de la ciudad. El director de parques y recreación servirá como asesor técnico regular de la junta de parques y recreación, tendrá el estatus de director de un departamento y tendrá los demás deberes y responsabilidades que establezca el administrador de la ciudad.**

La boleta dirá:

¿Se debe enmendar la Sección 63 de la Carta Constitutiva de la Ciudad de Abilene para que diga que el director del departamento de parques y recreación será designado por el administrador de la ciudad, servirá como asesor técnico regular de la junta de parques y recreación y tendrá el estatus de director del departamento y tiene otros deberes y responsabilidades que el administrador de la ciudad pueda establecer ?

SÍ: _____

NO: _____

5. Modifíquese el Artículo 84, Igual - Facultades y Deberes, para quedar como sigue:

La comisión de planificación y zonificación deberá:

- a. Elaborar, enmendar, ampliar o ampliar un plan general para el desarrollo físico de la ciudad que contendrá las recomendaciones de la comisión para el crecimiento, mejoramiento y embellecimiento de la ciudad. Se enviará una copia del plan general, o cualquier parte del mismo, al administrador de la ciudad, quien luego presentará dicho plan al consejo con sus recomendaciones al respecto. El consejo puede adoptar este plan en su totalidad o en parte, y puede adoptar cualquier enmienda al mismo, después de al menos una audiencia pública sobre la acción propuesta. Todas las enmiendas al plan general recomendadas por la comisión de planificación y zonificación se presentarán de la misma manera al concejo para su aprobación, y todas las recomendaciones al concejo de cualquier departamento de la ciudad que afecten el plan general deben ir acompañadas de una recomendación del comité de planificación y zonificación. comisión de zonificación.
- b. Recomendar al consejo la aprobación o desaprobación de los cambios propuestos en los distritos de zonificación;
- c. Aprobar o desaprobar la planificación o subdivisión de terrenos dentro de los límites corporativos de la ciudad y dentro de áreas adyacentes según lo permita la ley;
- d. ~~Presentar anualmente al administrador de la ciudad, no menos de noventa (90) días antes del comienzo del año presupuestario, una lista de mejoras de capital recomendadas, si las hubiere, que, en opinión de la comisión, sean necesarias o deseables durante el próximo período de cinco años;~~**
- d. Requerir información de las demás dependencias del gobierno de la ciudad en relación con su trabajo;
- e. Recomendar al consejo la aprobación o desaprobación de planes para la limpieza de barrios marginales, viviendas públicas y proyectos de renovación y desarrollo urbano;

- f. Cumplir con las obligaciones adicionales y ejercer los poderes adicionales que se prescriban mediante una ordenanza que no sea incompatible con las disposiciones de esta Carta Constitutiva.

La boleta dirá:

¿Se debe enmendar la Sección 84 de los Estatutos de la Ciudad de Abilene para eliminar la disposición de que la comisión de planificación y zonificación deberá presentar anualmente al administrador de la ciudad una lista de mejoras de capital recomendadas que, en opinión de la comisión, son necesarias o deseables? durante el próximo período de cinco años?

SÍ: _____

NO: _____

6. Enmendar la Sección 137, Actividad Política, para quedar como sigue:

Ningún empleado designado o contratado en la nómina de la ciudad deberá hacer una contribución al fondo de campaña de cualquier persona que busque ser elegida para un cargo de la ciudad o de cualquier partido político que apoye a un candidato para la elección a un cargo de la ciudad, ni se le solicitará para este propósito; ni participará activamente en ninguna campaña política relacionada con una elección para un cargo municipal. **No obstante lo anterior, los policías y bomberos se sujetarán a los estatutos de servicio civil aplicables que rigen las actividades políticas.**

La boleta dirá:

¿Debería enmendarse la Sección 137 de los Estatutos de la Ciudad de Abilene para que diga que los oficiales de policía y los bomberos deben cumplir con los estatutos de servicio civil aplicables que rigen las actividades políticas?

SÍ: _____

NO: _____

PARTE 5: Las ubicaciones de los lugares de votación son las designadas en el Anexo A, adjunto a esta ordenanza, pero las ubicaciones pueden ser cambiadas por los condados de Taylor o Jones, y qué cambios, si los hubiere, se hacen parte de esta ordenanza por referencia y se puede encontrar visitando la página web del condado de Taylor, si reside en el condado de Taylor: <http://www.taylorcountytexas.org/214/current-elections> o comunicándose con:

Administrador de elecciones del condado de Taylor
400 Oak Street, #101, Abilene, Texas 79602
(325) 674-1216

O visitando la página web del condado de Jones, si reside en el condado de Jones: <https://www.co.jones.tx.us/page/jones.Elections> o comunicándose con:

Secretario del condado de Jones
PO Box 552, Anson, Texas 79501
(325) 823-3762

PARTE 5: La votación anticipada se llevará a cabo en los lugares y durante las fechas y horarios establecidos por los condados de Taylor y Jones, como se refleja en el Anexo B, adjunto a esta ordenanza, pero qué lugares pueden ser cambiados por los condados de Taylor o Jones, y cuáles los cambios, si los hubiera, se incluyen en esta resolución como referencia y se pueden encontrar visitando la página web del condado de Taylor si reside en el condado de Taylor: <http://www.taylorcountytexas.org/214/current-elections> o comunicándose con:

Administrador de elecciones del condado de Taylor
400 Oak Street, #101, Abilene, Texas 79602
(325) 674-1216

O visitando la página web del condado de Jones, si reside en el condado de Jones: <https://www.co.jones.tx.us/page/jones.Elections> o comunicándose con:

Secretario del condado de Jones
PO Box 552, Anson, Texas 79501
(325) 823-3762

PARTE 6: Las solicitudes de boletas por correo deben recibirse a más tardar a las 5:00 p. m. del 31 de octubre de 2022 y enviarse a lo siguiente:

freda ragan
Administrador de elecciones del condado de Taylor
apartado de correos 3318
Abilene, Texas 79604
Correo electrónico: raganfr@taylorcountytexas.org

O

Lee Ann Jennings
Secretario del condado de Jones
apartado de correos 552
Anson, Texas 79501
Correo electrónico: ljennings@co.jones.tx.us

PARTE 7: De conformidad con la Sección 9.004(c) (2), Código de Gobierno Local de Texas, el impacto fiscal anticipado para la Ciudad si se aprueban las enmiendas propuestas es de \$0.00.

PARTE 8: El aviso de dicha elección se publicará de conformidad con el Capítulo 4 del Código Electoral. Además, de acuerdo con la Sección 9.004(c), Código de Gobierno Local de Texas, el aviso de la elección se publicará en un periódico de circulación general en Abilene el

mismo día, en cada una de las dos semanas consecutivas, con la primera publicación antes del 14 días antes del día de la elección. El Aviso contendrá una copia sustancial de las enmiendas propuestas e incluirá una estimación del impacto fiscal anticipado para la Ciudad si se aprueban las enmiendas.

PARTE 9: Por la presente se declara que es la intención del Concejo Municipal que las frases, cláusulas, oraciones, párrafos y secciones de esta ordenanza sean separables, y si alguna frase, cláusula, oración, párrafo o sección de esta ordenanza sea declarado inconstitucional por sentencia o decreto válido de cualquier tribunal de jurisdicción competente, tal inconstitucionalidad no afectará a ninguna de las restantes frases, cláusulas, oraciones, párrafos y artículos de esta ordenanza, ya que la misma habría sido promulgada por el Ayuntamiento sin la incorporación en esta ordenanza de cualquier frase, cláusula, oración, párrafo o sección inconstitucional.

PARTE 10: Esta Ordenanza entrará en vigor inmediatamente a partir de la fecha de aprobación final y después de esta.

PARTE 11 : Que si las Enmiendas a la Carta Constitucional reciben una mayoría de votos "SÍ", las enmiendas entrarán en vigencia de conformidad con la sección 9.005 del Código de Gobierno Local.

APROBADO EN PRIMERA LECTURA ESTE DÍA 11 DE AGOSTO DE 2022.

APROBADO EN SEGUNDA Y ÚLTIMA LECTURA ESTE 18 DE AGOSTO DE 2022.

DAR FE:

alcalde secretario de la ciudad

APROBADO:

abogado de la ciudad

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ABILENE, TEXAS, CALLING A SPECIAL ELECTION TO BE HELD IN ABILENE, TEXAS ON NOVEMBER 8, 2022, TO ALLOW THE VOTERS TO CONSIDER AMENDING SECTIONS OF THE CHARTER OF THE CITY OF ABILENE; AND PROVIDING FOR A PROCLAMATION NOTICE AND PUBLICATION NOTICE OF SAID ELECTION.

WHEREAS, the City of Abilene is a home rule municipality that operate under the charter form of government pursuant to Article XI, Section 5 of the Texas Constitution; and

WHEREAS, the Charter has not been amended since 2006, and some sections should be revised to conform to the current practice of the City; and

WHEREAS, the City is authorized pursuant to Texas Local Government Code Chapter 9 to call an election to seek voter approval to amend the Charter; and

WHEREAS, the City of Abilene, Texas is authorized by law to hold such election on November 8, 2022 in conjunction with the state and county election.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ABILENE, TEXAS:

PART 1: That an election is, and the same is hereby ordered to be held within the jurisdiction of the City of Abilene, Texas, on the 8th day of November, 2022, pursuant to the laws of the State of Texas, the Charter of the City of Abilene, Texas, and contracts between the City and Taylor and Jones Counties for election services. Such election shall be held for the purpose of considering amendments to the City Charter of the City of Abilene.

PART 2: That the election shall provide for voting for or against the following propositions:

1. Amend the City Charter of the City of Abilene throughout~~Sections 7, 8, 22, 35, 44, 47, 49, 51, 52, 71, 72, 76, 88, 116, 137, and 139~~ to replace the words *He*, *His* and *Him* with the words *He or She*, *His or Her*, and *Him or Her*.

The ballot will read:

Shall ~~Sections 7, 8, 22, 35, 44, 47, 49, 51, 52, 71, 72, 76, 88, 116, 137, and 139~~ of the City Charter of the City of Abilene be amended throughout to replace the words “he”, “his” and “him” with the words “he or she”, “his or her”, and “him or her?”

YES: _____

NO: _____

2. Amend **the City Charter of the City of Abilene throughout Sections 6, 7, 8, 22, 26, and 131** to replace the words *Councilman* and *Councilmen* with the words *Councilmember* and *Councilmembers*.

The ballot will read:

Shall ~~Sections 6, 7, 8, 22, 26, and 131 of~~ the City Charter of the City of Abilene be amended throughout —to replace the words “Councilman” and “Councilmen” with the words “Councilmember” —and “Councilmembers~~?~~”

YES: _____

NO: _____

3. Amend Section 58, Same – To Formulate Policies to read as follows:

The parks and recreation board shall be responsible for the formulation and recommendation of park and recreation policies to the city manager and the council, ~~and shall be responsible for the implementation of such policies throughout the city.~~

The ballot will read:

Shall Section 58 of the City Charter of the City of Abilene be amended to remove the provision that the Parks and Recreation Board is responsible for the implementation of the parks and recreation policies throughout the city?

YES: _____

NO: _____

4. Amend Section 63, Parks and Recreation Department – Created; Director to read as follows:

There shall be a parks and recreation department, ~~the director of which shall be appointed by the city manager with the approval of the parks and recreation board. Said director shall be subject to removal by the city manager.~~ **The director of parks and recreation shall be appointed by the city manager. The director of parks and recreation shall serve as the regular technical advisor of the parks and recreation board, shall have the status of a director of a department and shall have such other duties and responsibilities as the city manager may establish.**

The ballot will read:

Shall Section 63 of the City Charter of the City of Abilene be amended to read that the director of the parks and recreation department shall be appointed by the city manager, shall serve as the regular technical advisor of the parks and recreation board, and shall have the status of a director of the department and have such other duties and responsibilities as the city manager may establish?

YES: _____

NO: _____

5. Amend Section 84, Same – Powers and Duties to read as follows:

The planning and zoning commission shall:

- a. Make, amend, extend or add to a general plan for the physical development of the city which shall contain the commission's recommendations for growth, improvement and beautification of the city. A copy of the general plan, or any part thereof, shall be forwarded to the city manager who shall thereupon submit such plan to the council with his or her recommendations thereon. The council may adopt this plan as a whole or in part, and may adopt any amendment thereto, after at least one public hearing on the proposed action. All amendments to the general plan recommended by the planning and zoning commission shall be submitted in the same manner to the council for approval, and all recommendations to the council from any city department affecting the general plan must be accompanied by a recommendation from the planning and zoning commission.
- b. Recommend to the council approval or disapproval of proposed changes in zoning districts;
- c. Approve or disapprove the platting or subdividing of land within the corporate limits of the city and within adjacent areas as permitted by law;
- d. **~~Submit annually to the city manager, not less than ninety (90) days prior to the beginning of the budget year, a list of recommended capital improvements, if any, which, in the opinion of the commission, are necessary or desirable during the forthcoming five-year period;~~**
- e. Require information from the other departments of the city government in relation to its work;
- f. Recommend to the council approval or disapproval of plans for slum clearance, public housing and urban redevelopment and renewal projects;
- g. Perform such additional duties and exercise such additional powers as may be prescribed by ordinance not inconsistent with the provisions of this Charter.

The ballot will read:

Shall Section 84 of the City Charter of the City of Abilene be amended to remove the provision that the planning and zoning commission shall submit annually to the city manager a list of recommended capital improvements which, in the opinion of the commission, are necessary or desirable during the forthcoming five year period?

YES: _____

NO: _____

6. Amend Section 137, Political Activity to read as follows:

No appointed or hired employee on the payroll of the city shall make a contribution to the campaign fund of any person seeking election to a city office or to any political party supporting a candidate for election to a city office, nor shall he or she be solicited for this purpose; nor shall he or she take active part in any political campaign relating to an election to a city office. **Notwithstanding the above, police officers and fire fighters shall abide by the applicable civil service statutes governing political activities.**

The ballot will read:

Shall Section 137 of the City Charter of the City of Abilene be amended to read that police officers and fire fighters shall abide by the applicable civil service statutes governing political activities?~~?~~

YES: _____

NO: _____

PART 5: Locations of the polling places are as designated in Exhibit A, attached to this ordinance, but which locations may be changed by Taylor or Jones Counties, and which changes, if any, are hereby made part of this ordinance by reference and can be found by visiting the Taylor County webpage, if you reside in Taylor County: <http://www.taylorcountytexas.org/214/current-elections> or by contacting:

Taylor County Elections Administrator
400 Oak Street, #101, Abilene, Texas 79602
(325) 674-1216

or by visiting the Jones County webpage, if you reside in Jones County: <https://www.co.jones.tx.us/page/jones.Elections> or by contacting:

Jones County Clerk
P.O Box 552, Anson, Texas 79501
(325) 823-3762

PART 5: Early voting will be conducted at the locations and during the dates and times established by Taylor and Jones Counties, as reflected in Exhibit B, attached to this ordinance, but which locations may be changed by Taylor or Jones Counties, and which changes, if any, are hereby made part of this resolution by reference and can be found by visiting the Taylor County webpage if you reside in Taylor County: <http://www.taylorcountytexas.org/214/current-elections> or by contacting:

Taylor County Elections Administrator
400 Oak Street, #101, Abilene, Texas 79602
(325) 674-1216

or by visiting the Jones County webpage, if you reside in Jones County: <https://www.co.jones.tx.us/page/jones.Elections> or by contacting:

Jones County Clerk
P.O. Box 552, Anson, Texas 79501
(325) 823-3762

PART 6: Applications for ballots by mail must be received no later by 5:00 p.m., October 31, 2022, and sent to the following:

Freda Ragan
Taylor County Elections Administrator
P. O. Box 3318
Abilene, Texas 79604
Email: raganfr@taylorcountytexas.org

Or

LeeAnn Jennings
Jones County Clerk
P.O. Box 552
Anson, Texas 79501
Email: ljennings@co.jones.tx.us

PART 7: Pursuant to Section 9.004(c)(2), Texas Local Government Code, the anticipated fiscal impact to the City if the proposed amendments are approved is \$0.00.

PART 8: Notice of said election shall be published in accordance with Chapter 4 of the Election Code. Additionally, in accordance with Section 9.004(c), Texas Local Government Code, notice of the election shall be published in a newspaper of general circulation in Abilene on the same day, in each of two consecutive weeks, with the first publication occurring before the 14th day before the election day. The Notice shall contain a substantial copy of the proposed amendments and shall include an estimate of the anticipated fiscal impact to the City if the amendments are approved.

PART 9: It is hereby declared to be the intention of the City Council that the phrases, clauses, sentences, paragraphs, and sections of this ordinance are severable, and if any phrase, clause, sentence, paragraph, or section of this ordinance shall be declared unconstitutional by the valid judgment or decree of any court of competent jurisdiction, such unconstitutionality shall not affect any of the remaining phrases, clauses, sentences, paragraphs and sections of this ordinance, since the same would have been enacted by the City Council without the incorporation in this ordinance of any such unconstitutional phrase, clause, sentence, paragraph or section.

PART 10: This Ordinance shall take effect immediately from and after its date of final passage.

PART 11: That if the Charter Amendments shall receive a majority of “YES” votes, the amendments shall take effect pursuant to Local Government Code section 9.005.

PASSED ON FIRST READING THIS 11th DAY OF AUGUST, 2022.

PASSED ON SECOND AND FINAL READING THIS _____ DAY OF AUGUST, 2022.

ATTEST:

City Secretary

Mayor

APPROVED:

City Attorney

PROPOSED EARLY VOTING SCHEDULE

October 24, 2022 – November 24, 2022

Joint General and Special Elections
November 8, 2022

MAIN EARLY VOTING LOCATION		
Taylor County Plaza	October 24th – October 28th (Monday – Friday)	8:00 a.m. – 5:00 p.m.
400 Oak Street, Suite 101-A	October 29th (Saturday)	7:00 a.m. – 7:00 p.m.
Abilene, TX 79602	October 30th (Sunday)	12:00 p.m. – 6:00 p.m.
	October 31st - November 4 (Monday - Friday)	7:00 a.m. – 7:00 p.m.
For Jones County:		
Jones County Activity Center	October 24th – October 28th	8:00 a.m. – 5:00 p.m.
400 Oak Street, Suite 101	Monday – Friday	
Abilene, TX 79602	October 31st - November 4th	8:00 a.m. – 5:00 p.m.
	Monday – Friday	
TEMPORARY BRANCH LOCATIONS (Taylor County Only)		
Abilene City Hall	October 24th – October 28th (Monday – Friday)	8:00 a.m. – 5:00 p.m.
555 Walnut Street	October 29th (Saturday)	7:00 a.m. – 7:00 p.m.
Abilene, TX 79601	October 30th (Sunday)	12:00 p.m. – 6:00 p.m.
<i>E. Entrance, Main Lobby</i>	October 31st - November 4th (Monday – Friday)	7:00 a.m. – 7:00 p.m.
Mall of Abilene	October 24th – October 28th (Monday- Friday)	10:00 a.m. – 7:00 p.m.
4310 Buffalo Gap Road	October 29th (Saturday)	9:00 a.m. – 9:00 p.m.
Abilene, TX 79605	October 30th (Sunday)	12:00 p.m. – 6:00 p.m.
<i>Movie theatre corridor</i>	October 31st - November 4th (Monday – Friday)	9:00 a.m. – 9:00 p.m.
United Supermarket	October 24th – October 28th (Monday – Friday)	10:00 a.m. – 7:00 p.m.
1095 N. Judge Ely Blvd	October 29th (Saturday)	9:00 a.m. – 9:00 p.m.
Abilene, TX 79601	October 30th (Sunday)	12:00 p.m. – 6:00 p.m.
	October 31st - November 4th (Monday – Friday)	9:00 a.m. – 9:00 p.m.
United Supermarket	October 24th – October 28th (Monday – Friday)	10:00 a.m. – 7:00 p.m.
920 N. Willis St.	October 29th (Saturday)	9:00 a.m. – 9:00 p.m.
Abilene, TX 79603	October 30th (Sunday)	12:00 p.m. – 6:00 p.m.
	October 31st - November 4th (Monday – Friday)	9:00 a.m. – 9:00 p.m.
United Supermarket	October 24th – October 28th (Monday – Friday)	10:00 a.m. – 7:00 p.m.
2160 Pine St.	October 29th (Saturday)	9:00 a.m. – 9:00 p.m.
Abilene, TX 79601	October 30th (Sunday)	12:00 p.m. – 6:00 p.m.
	October 31st - November 4th (Monday – Friday)	9:00 a.m. – 9:00 p.m.
United Supermarket	October 24th – October 28th (Monday – Friday)	10:00 a.m. – 7:00 p.m.
3301 S. 14 th St.	October 29th (Saturday)	9:00 a.m. – 9:00 p.m.
Abilene, TX 79605	October 30th (Sunday)	12:00 p.m. – 6:00 p.m.
	October 31st - November 4th (Monday – Friday)	9:00 a.m. – 9:00 p.m.

**October 11, 2022 – Last day to register to vote for the November 8, 2022 Joint General and Special Elections.*

**October 28, 2022 – Last day to RECEIVE an application for a ballot by mail for the November 8, 2022 Joint General and Special Elections.*

**October 28, 2022 – Last day to RECEIVE an FPCA for the November 8, 2022 Joint General and Special Elections.*

Taylor County Elections
400 Oak Street, Suite 101
Abilene, TX 79602
325-674-1216
www.taylorcountytexas.org

Jones County Clerk
PO Box 552
Anson, Texas 79501
325-823-7362
<https://www.co.jones.tx.us/page/jones.Elections>

COUNTY WIDE VOTE CENTER LOCATIONS

Taylor County

Joint Special Elections – November 8, 2022

Elecciones Municipales - 8 de noviembre de 2022

7:00 a.m. – 7:00 p.m.

Taylor County voters may vote at **ANY ONE** of the following locations on Election Day

*Los votantes del condado de Taylor pueden votar en **CUALQUIERA** de los siguientes lugares el día de las elecciones*

Vote Center	Physical Address	Location
Abilene City Hall	555 Walnut Street, Abilene, TX 79601	East Entrance – Main Lobby <i>Entrada este- Vestibulo principal</i>
Beltway Park Church North Campus	2850 Hwy 351, Abilene, TX 79601	
Buffalo Gap Church of Christ	741 Litel Street, Buffalo Gap, TX 79508	Fellowship Hall <i>Salón de becas</i>
Cesar Chavez Recreation Center	2250 Ambler Ave., Abilene, TX 79603	Gym <i>Gimnasio</i>
Church of Christ–S. 11 th & Willis	3333 S. 11 th Street, Abilene, TX 79605	West Building, multi-purpose room <i>Edificio oeste, sala multiproposito</i>
First Baptist Church – Merkel	307 Locust Street, Merkel, TX 79536	Family Life Center <i>Centro de Vida Familiar</i>
First Baptist Church – Tuscola	632 Kent Street, Tuscola, TX 79562	Family Life Center <i>Centro de Vida Familiar</i>
Hillcrest Church of Christ	650 E. Ambler Ave., Abilene, TX 79601	Gym <i>Gimnasio</i>
Lawn Baptist Church	518 Avenue D, Lawn, TX 79530	Family Life Center <i>Centro de Vida Familiar</i>
New Beginnings United Pentecostal	5535 Buffalo Gap Road, Abilene, TX 79606	Main Foyer <i>Vestibule principal</i>
Oldham Lane Church of Christ	5049 Oldham Lane, Abilene, TX 79602	Special Events Room <i>Sala de eventos especiales</i>
River of Life Church	539 Hwy 83/84, Abilene, TX 79606	Main Foyer <i>Vestibule Principal</i>
Southern Hills Church of Christ	3666 Buffalo Gap Road, Abilene, TX 79605	Foyer at Main Sanctuary <i>Foyer en el Santuario Principal</i>
Taylor County Plaza	400 Oak Street, Abilene, TX 79602	Suite 101-A
Thomas Elementary School	1240 Lakeside Drive, Abilene, TX 79602	Gym <i>Gimnasio</i>
Tye Industrial Park Small Business Incubator	649 Scott St., Tye, TX 79563	Suite 215
View Baptist Church	250 Boynton Road, Abilene, TX 79606	Fellowship Hall <i>Salón de becas</i>
Westminster Presbyterian Church	4515 South 14 th Street, Abilene, TX 79605	Gym <i>Gimnasio</i>
Woodlawn Baptist Church	922 Woodlawn Drive, Abilene, TX 79603	Multi-Purpose Room <i>sala multiproposito</i>
Zion Lutheran Church	2801 Antilley Road, Abilene, TX 79606	Large Fellowship Hall <i>Gran Salón de becas</i>

Jones County
Joint Special Elections – November 8, 2022
Elecciones Municipales - 8 de noviembre de 2022
7:00 a.m. – 7:00 p.m.

Jones County voters may vote at **ANY ONE** of the following locations on Election Day
*Los votantes del condado de Jones pueden votar en **CUALQUIERA** de los siguientes lugares el día de las elecciones*

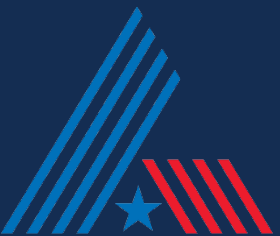
Vote Center	Physical Address	Location
Hamlin High School	650 SW 5 th Street, Hamlin, TX 79520	Gym Foyer <i>Gimnasio Vestíbulo</i>
Stamford VIP Community Center	508 East Gould, Stamford, TX 79553	
Lueders City Hall	201 East Main, Leuders, TX 79533	
Ft. Phantom Baptist Church	11343 FM 600, Abilene, TX 79601	Fellowship Hall <i>Salón de becas</i>
Hawley Church of Christ	410 4 th Street, Hawley, TX 79525	Fellowship Hall <i>Salón de becas</i>
Hodges Baptist Church	13933 CR 495, Hawley, TX 79525	Fellowship Hall <i>Salón de becas</i>
Jones County Activity Center	1108 West Court Plaza, Anson, TX 79501	

Ordinance:
Calling a Special Election for
November 8, 2022, to Consider
Amending Sections of the City Charter



General Election Order

- Election Day: November 8, 2022
- Ballot: 6 Charter Amendments
- Contract: Taylor and Jones Counties for the administration of elections
- Locations: Countywide Vote Centers through contractual agreement with Taylor and Jones Counties
- Cost: None; only the contracts (\$95,886.74 Estimate for Taylor County)
- Early Voting: Monday, October 24th through Friday, November 4th
- Election Day Voting: Tuesday, November 8, 2022
- Canvass tentatively scheduled for Monday, November 14 at 10:00 a.m. (Special Mtg.)



Charter Amendment Propositions

- 1. Amend Sections 7, 8, 22, 35, 44, 47, 49, 51, 52, 71, 72, 76, 88, 116, 137, and 139 to replace the words *He* and *Him* with the words *He or She* and *Him or Her*.**

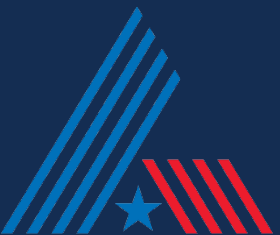
The ballot will read:

Shall Sections 7, 8, 22, 35, 44, 47, 49, 51, 52, 71, 72, 76, 88, 116, 137, and 139 of the City Charter of the City of Abilene be amended to replace the words “he” and “him” with the words “he or she” and “him or her.”

- 2. Amend Sections 6, 7, 8, 22, 26, and 131 to replace the words Councilman and Councilmen with the words Councilmember and Councilmembers.**

The ballot will read:

Shall Sections 6, 7, 8, 22, 26, and 131 of the City Charter of the City of Abilene be amended to replace the words “Councilman” and “Councilmen” with the words “Councilmember” and “Councilmembers.”



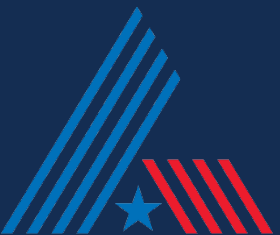
Charter Amendment Propositions

3. Amend Section 58, Same – To Formulate Policies to read as follows:

The parks and recreation board shall be responsible for the formulation and recommendation of park and recreation policies to the city manager and the council, ~~and shall be responsible for the implementation of such policies throughout the city.~~

The ballot will read:

Shall Section 58 of the City Charter of the City of Abilene be amended to remove the provision that the Parks and Recreation Board is responsible for the implementation of the parks and recreation policies throughout the city?



Charter Amendment Propositions

4. Amend Section 63, Parks and Recreation Department – Created; Director to read as follows:

~~There shall be a parks and recreation department, the director of which shall be appointed by the city manager with the approval of the parks and recreation board. Said director shall be subject to removal by the city manager.~~ **The director of parks and recreation shall be appointed by the city manager. The director of parks and recreation shall serve as the regular technical advisor of the parks and recreation board, shall have the status of a director of a department and shall have such other duties and responsibilities as the city manager may establish.**

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Charter Amendment Propositions

5. Amend Section 84, Same – Powers and Duties to read as follows:

The planning and zoning commission shall:

- a) Make, amend, extend or add to a general plan for the physical development of the city which shall contain the commission's recommendations for growth, improvement and beautification of the city. A copy of the general plan, or any part thereof, shall be forwarded to the city manager who shall thereupon submit such plan to the council with his or her recommendations thereon. The council may adopt this plan as a whole or in part, and may adopt any amendment thereto, after at least one public hearing on the proposed action. All amendments to the general plan recommended by the planning and zoning commission shall be submitted in the same manner to the council for approval, and all recommendations to the council from any city department affecting the general plan must be accompanied by a recommendation from the planning and zoning commission.
- b) Recommend to the council approval or disapproval of proposed changes in zoning districts;
- c) Approve or disapprove the platting or subdividing of land within the corporate limits of the city and within adjacent areas as permitted by law;
- ~~d) Submit annually to the city manager, not less than ninety (90) days prior to the beginning of the budget year, a list of recommended capital improvements, if any, which, in the opinion of the commission, are necessary or desirable during the forthcoming five year period;~~
- e) Require information from the other departments of the city government in relation to its work;
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- g) Perform such additional duties and exercise such additional powers as may be prescribed by ordinance not inconsistent with the provisions of this Charter.

The ballot will read:

Shall Section 84 of the City Charter of the City of Abilene be amended to remove the provision that the planning and zoning commission shall submit annually to the city manager a list of recommended capital improvements which, in the opinion of the commission, are necessary or desirable during the forthcoming five year period?



Charter Amendment Propositions

6. Amend Section 137, Political Activity to read as follows:

No appointed or hired employee on the payroll of the city shall make a contribution to the campaign fund of any person seeking election to a city office or to any political party supporting a candidate for election to a city office, nor shall he or she be solicited for this purpose; nor shall he or she take active part in any political campaign relating to an election to a city office. **Notwithstanding the above, police officers and fire fighters shall abide by the applicable civil service statutes governing political activities.**

The ballot will read:

Shall Section 137 of the City Charter of the City of Abilene be amended to read that police officers and fire fighters shall abide by the applicable civil service statutes governing political activities.



QUESTIONS?

