

68-6343

Handwritten initials and signature

WHEREAS, the City Council has received from the Clerk of the District Courts in Dallas County, Texas, two certified copies of a Judgment entered on October 31, 1968, in Cause No. 68-9426, styled Max B. Goldblatt and Donald B. Fielding, Contestants, vs The City of Dallas, et al, Contestees, in the 101st Judicial District Court of Texas, Dallas County, Texas, which Judgment, according to advice received from the City Attorney, has now become final; and

WHEREAS, said Judgment pertains to the Special Election held in the City of Dallas on October 22, 1968, and contains the results of a recount of ballots which recount shows that each of the twenty-four Propositions submitted to the voters of the City of Dallas in said Special Election passed by a majority vote; and

WHEREAS, said Judgment dated October 31, 1968, states that:

"* * * the Propositions voted thereon effect valid amendments to the Charter of the City of Dallas; * * *"

and further provides:

"* * * two certified copies of this Judgment be directed to the Mayor of the City of Dallas for inclusion in the official records of the City of Dallas and certification to the Secretary of State of the State of Texas in Austin, Texas, for registration and recordation, the same as provided by Statute for the registration and recordation of the original Election results for Home Rule charter amendments; * * *"

Now, Therefore,

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF DALLAS, TEXAS:

SECTION 1. That the City Council does hereby formally acknowledge receipt of the two certified copies of the Judgment in said Cause No. 68-9426, entered on the 31st day of October, 1968.

SECTION 2. That the City Council does hereby adopt as correct the results of the recount of ballots cast in said Special Election as set forth in said Judgment in lieu of the results set forth in the Report of the Canvassing Committee of this Council made on the 23rd day of October, 1968, which also showed that each of the Propositions submitted to the voters in said Special Election held in the City of Dallas on October 22, 1968, carried by a majority vote.

SECTION 3. That the Resolution and Order approved by this Council on October 23, 1968, in reference to said Special Election is in all respects confirmed, save and except that the results of the Special Election as set forth in the Judgment of the Court are substituted for the Report of the Canvassing Committee of this Council and it is hereby finally determined that the amendments to the Charter of the City of Dallas thereby adopted became a part of said Charter on October 23, 1968.

SECTION 4. That the certification of said amendments and the recording thereof, as required by the laws of the State of Texas be accomplished forthwith.

SECTION 5. That this resolution shall take effect from and after its passage as in the Charter in such cases is made and provided.

APPROVED BY
CITY COUNCIL

DEC 2 1968

Harold L. Shank
City Secretary

APPROVED AS TO FORM:

N. Alex Bickley
N. ALEX BICKLEY, City Attorney

MAX B. GOLDBLATT and)	IN THE 101st JUDICIAL
DONALD B. FIELDING)	
Contestants)	
VS)	DISTRICT COURT OF TEXAS
)	
THE CITY OF DALLAS, et al)	
Contestees,)	DALLAS COUNTY, TEXAS

JUDGMENT

On this the 31st day of October, A.D. 1968, came on to be heard the above entitled and numbered cause, same being an Election Contest under the applicable provisions of the Election Code of the State of Texas, in which Max B. Goldblatt and Donald B. Fielding are Contestants, the City of Dallas, Texas, and Harold G. Shank, City Secretary of the City of Dallas, Texas, are Contestees, and Coalition of Mexican-American Organizations, an unincorporated association of individuals and as a class of Dallas citizens, is Intervenor, and came each party, through its Counsel of Record, and having announced ready, the Court, after having read all the pleadings, considered all the evidence in the case, and heard all argument of Counsel, makes the following findings and enters the following Judgment:

That the City of Dallas, Texas, a municipal corporation and a Home Rule city, pursuant to the Constitution and Statutes of the State of Texas, by Ordinance No. 12271, enacted on the 16th day of September, A.D. 1968, ordered a Special Election to amend its Charter;

That all requisite and legal notices required by law were given in accordance with law;

That such Election for the amendment of the City of Dallas Charter was duly held on October 22, 1968, which said Election was duly canvassed and the results certified by the City Council of the City of Dallas on October 23, 1968, as required by law;

That this Election Contest was filed by the Contestants under the provisions of the Election Code of the State of Texas, on October 26, 1968, and the Intervenor was granted permission to intervene as Contestant herein on October 28, 1968, by order of the Court;

That upon request of all parties herein, the Court entered its Order dated October 28, 1968, appointing a Commission of six Commissioners to examine, recount, tabulate and report the results of the Special Election as reflected by the ballots in the official custody of the County Clerk, that additional Commissioners were appointed with consent of Counsel;

That on the 31st day of October, 1968, such Commissioners returned their Report and Recount to the Court, which Report was received and approved by the Court and filed in the papers hereof, said Report reflects the following total figures on the Propositions submitted in said Special Election, to-wit:

(a) The total number of voters who registered as voting in said Special Election..... 13,604

(b) The total number of votes cast on each and every Proposition submitted in said Special Election:

Proposition Number One FOR 6427 AGAINST 3370

The totals from this Proposition Number One have been incorporated into the total of each of the following Propositions to properly reflect the totals FOR and AGAINST each separate Proposition:

	FOR	AGAINST
Proposition Number Two	<u>8594</u>	<u>3865</u>
Proposition Number Three	<u>8226</u>	<u>4268</u>
Proposition Number Four	<u>7571</u>	<u>5180</u>
Proposition Number Five	<u>8635</u>	<u>3877</u>
Proposition Number Six	<u>8375</u>	<u>3983</u>
Proposition Number Seven	<u>8537</u>	<u>3908</u>
Proposition Number Eight	<u>8134</u>	<u>4284</u>
Proposition Number Nine	<u>7989</u>	<u>4510</u>
Proposition Number Ten	<u>8832</u>	<u>3746</u>
Proposition Number Eleven	<u>8801</u>	<u>3745</u>
Proposition Number Twelve	<u>8493</u>	<u>4010</u>
Proposition Number Thirteen	<u>8587</u>	<u>3935</u>
Proposition Number Fourteen	<u>8525</u>	<u>3981</u>
Proposition Number Fifteen	<u>8307</u>	<u>4156</u>
Proposition Number Sixteen	<u>8188</u>	<u>4305</u>
Proposition Number Seventeen	<u>8352</u>	<u>3993</u>
Proposition Number Eighteen	<u>8512</u>	<u>3998</u>
Proposition Number Nineteen	<u>8160</u>	<u>4288</u>
Proposition Number Twenty	<u>8368</u>	<u>4149</u>
Proposition Number Twenty-one	<u>8201</u>	<u>4269</u>
Proposition Number Twenty-two	<u>8318</u>	<u>4185</u>
Proposition Number Twenty-three	<u>8361</u>	<u>4141</u>
Proposition Number Twenty-four	<u>8570</u>	<u>3881</u>

In addition to the totals as set out above there was a total of 644 ballots on which no count was made because the same contained markings which reflected a possible inconsistency in the ballot. These ballots, if added in as negative votes AGAINST every Proposition, would not result in a total equal to or exceeding the number of affirmative votes FOR any Proposition.

The Court further finds that each and every Proposition submitted to the voters in said Special Election on October 22, 1968, carried by a majority of the votes cast on such Proposition; that the ballot submitted to the voters was in all things legal and that the manner of holding the Election was in accordance with the Election Code and laws of this State:

IT IS ACCORDINGLY ORDERED, ADJUDGED and DECREED as follows:

That the Election called by the City Council of the City of Dallas, Texas, a municipal corporation and Home Rule city, for the purpose of amending its Charter, by Ordinance No. 12271, enacted on the 16th day of September, A. D. 1968, was legally and duly called, that all proper Notices under the Constitution and Statutes of the State of Texas were given, and that such Election was duly and legally held on October 22, 1968.

That the ballot used at such Election was in proper, legal and statutory form as to each and every item required by law and as to each and every Proposition presented therein.

It is further ORDERED, ADJUDGED and DECREED that each and every Proposition voted upon at said Election was carried by a majority vote of those voting at such Election, and the Propositions voted thereon effect valid amendments to the Charter of the City of Dallas;

It is further ORDERED, ADJUDGED and DECREED that the Election Contest on behalf of the Contestants, Max B. Goldblatt and

Donald B. Fielding, which was agreed to by the Contestees insofar as the recount of the votes was concerned, has resulted in a determination that all Propositions submitted to the voters passed by a majority vote.

That the pleadings and the Motion on the part of the Contestants, Max B. Goldblatt and Donald B. Fielding, to have declared void all or any portion of the Election, are hereby in all things overruled and denied, to which ruling Contestants duly excepted. That the pleadings of the Intervenor, Coalition of Mexican-American Organizations, seeking to have declared invalid or void any portions of the Election are hereby overruled and denied, to which ruling this Intervenor ~~duly~~ excepts.

It is further ORDERED, ADJUDGED and DECREED that two certified copies of this Judgment be directed to the Mayor of the City of Dallas for inclusion in the official records of the City of Dallas and certification to the Secretary of State of the State of Texas in Austin, Texas, for registration and recordation, the same as provided by Statute for the registration and recordation of the original Election results for Home Rule charter amendments;

It is further ORDERED, ADJUDGED and DECREED that the costs of this proceeding be assessed one-half against Contestants Max B. Goldblatt and Donald B. Fielding, and one-half against Contestee City of Dallas; provided that the Intervenor, Coalitaion of Mexican-American Organizations, shall pay all costs incurred as a result of its Intervention, for all of which let execution issue.

SIGNED and ENTERED this the 31st day of October,

A.D. 1968.

15/ Dallas A Blankenship
JUDGE, 101st Judicial District Court
Dallas County, Texas

CLERK'S CERTIFICATE

THE STATE OF TEXAS }
COUNTY OF DALLAS }

I, BILL SHAW, Clerk of the District Courts of Dallas County, Texas, do hereby certify that the above and foregoing is a true and correct copy of JUDGMENT

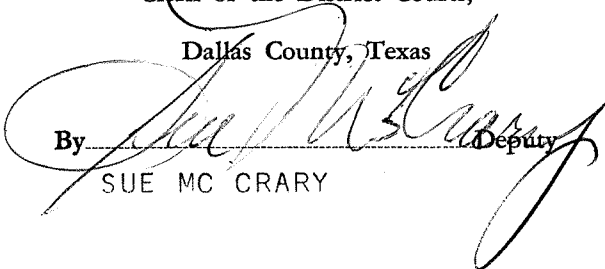
in Cause No. 68-9426-E, entitled
MAX B. GOLDBLATT AND DONALD B. FIELDING
THE CITY OF DALLAS, ET AL
vs.

as the same appears of record in my office in Vol. E-6, Page 404, Minutes of the District Court of Dallas County, for the 101ST Judicial District of Texas.

GIVEN UNDER MY HAND AND SEAL of said Court, at office in Dallas, Texas, this the

8TH day of NOVEMBER, A. D. 1968.

BILL SHAW
Clerk of the District Courts,
Dallas County, Texas

By  Deputy
SUE MC CRARY