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**Respond to:**

PO Box 608  
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April 29, 2022

Honorable Anthony Williams  
City of Abilene  
*via email* to anthony.williams@abilenetx.gov

RE: City Council Meeting held on April 28, 2022

Dear Mayor Williams:

On behalf of Project Destiny, I appreciated the opportunity to address the Council at your regular meeting yesterday concerning the following item on the meeting agenda:

17. Initiative Ordinance (Final Reading): Receive a Report, Hold a Discussion and Public Hearing, and Take Action on an Initiative Ordinance Outlawing Abortion, Declaring Abilene a Sanctuary City for the Unborn, Making Various Provisions and Findings, Providing for Severability, and Establishing an Effective Date (Robert Hanna).

On April 14, 2022, the City Secretary properly certified the result of the examination of the initiative petition to the Council. (Charter §37)

The Abilene City Charter states, in part:

Whenever the council receives a certified initiative ... petition from the city secretary, it shall proceed at once to consider such petition. A proposed initiative ordinance shall be read and provision shall be made for a public hearing upon the proposed ordinance. The council shall take final action on such ordinance not later than thirty days after the date on which it was submitted to the council by the city secretary. (Charger §39)

A public hearing was held yesterday, and after discussion, Kyle McAlister made a motion to send the ordinance to the ballot in November. His motion was seconded by Travis Craver. With Donna Albus and Lynn Beard also voting in favor of the motion, it passed 4-3.

It is our position that no proper vote on the proposed ordinance has occurred. No one is required to support or oppose the submission to the voters as it occurs by operation of law and the City Charter. (Charter §40). If the motion had failed, there would be no consequence since the ordinance *must* be submitted to the voters if the council fails to pass the ordinance.

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The motion made and voted upon appears to be nothing more than a political ploy by Kyle McAlister and Travis Craver to make it appear as if those voting in support of the motion were in favor of the ordinance, while those voting against the motion, appeared to be opposed to the ordinance, when the opposite is true. They can then continue to campaign for reelection claiming to be prolife, and claiming to support the prolife ordinance.

While both have made public statements of their concern for the law, and claiming to follow the law, they clearly put their political ambitions ahead of their legal duties as public officials.

Rule 2.15.1(j)(1) of the City Council Rules of Procedure states:

Upon consideration for passage of any ordinance, resolution, or motion, the City Secretary shall call the roll of the Council and record the voters, which record of votes shall constitute a public record. (Charter §18)

Since the *ordinance* was the matter to be considered per the agenda item and City Charter §18, the *passage* of the ordinance was never considered. Section 39 of the Charter requires that “[t]he council shall take final action on such ordinance not later than thirty days after the date on which it was submitted to the council by the city secretary.”

Section 40 of the Charter states, in part:

If the council shall fail to pass an ordinance proposed by initiative petition in the exact form proposed, ..., the proposed ... ordinance shall be submitted to the voters....

As it stands now, the council has neither passed, nor has it *failed to pass*, the ordinance. Since the thirty days to act will not expire until May 14, 2022, the two council members responsible for yesterday’s vote may suggest that the ordinance be properly considered during your regular meeting scheduled for May 12, 2022. At that time, they will be free of the pressure of their respective campaigns as the election date, May 7, 2022, will have passed. If they are both reelected, their goal to appear prolife by their vote yesterday will have succeeded.

I urge you to call a special meeting pursuant to Rule 2.5.3 of the Rules of Procedure and Charter §16, to take action on the ordinance as required by your City Charter and Rules of Procedure, *prior to the election date*. The ordinance shall be submitted to the voters by operation of law only if the ordinance fails to pass. Not only is this the lawful course of action, it will also accurately align the council members as to their true position on this prolife ordinance.

Since this is an urgent matter, a copy of this letter is being emailed contemporaneously to the city officials listed below. As there is considerable public interest, this letter will be shared with the media.

Thank you for your consideration.

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Very truly yours,

LAW OFFICE OF ISAAC M. CASTRO

*/s/Isaac M. Castro*

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IMC/mj

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