

May 3, 2025  
GENERAL ELECTION  
CANDIDATE PACKET

Please, use black or blue ink when filling out forms.

If you have questions concerning the election, please, contact:

The Secretary of State  
1-800-252-8683 or  
1-512-463-5650  
[elections@sos.texas.gov](mailto:elections@sos.texas.gov)

If you have questions concerning campaign contributions and expenditures, please, contact:

The Texas Ethics Commission  
1-800-325-8506  
1-512-463-5800  
[www.ethics.state.tx.us](http://www.ethics.state.tx.us)

December 27, 2024

To all General Candidates:

Enclosed is your “Candidate Packet” which has been prepared by the City Secretary’s office. This packet is designed to acquaint you with applicable City regulations, as well as legal requirements by the Texas Ethics Commission pertaining to campaign contributions and expenditures.

Candidate’s Election Calendar includes important dates to be aware of.

Texas Ethics Commission Campaign Finance Filing Guide for Local Candidates and Officeholders.

Qualifications and Eligibility for City Council is included in the City of Littlefield Home Rule Charter, in accordance with current Texas statutes.

Form 2-49 Application for a Place on the Ballot and Instructions

The Application for a Place on the Ballot and Appointment of Candidate’s Campaign Treasurer must be filed with the City Secretary before a candidate may accept political contributions or make political expenditures. Additionally, an incomplete or defective application is required to be returned to the applicant as rejected. The first day for filing is January 15, 2025 with the last day to file is February 14, 2025.

Appointment of a Campaign Treasurer by a Candidate and Instruction Guide

This form must be submitted with your application to the City Secretary and must be on file with your application prior to making campaign expenditures or accepting campaign contributions.

Form CFCP- Code of Fair Campaign Practices and Chapter 258, Election Code Fair Campaign Practices Act

Every candidate is encouraged to subscribe to the Code of Fair Campaign Practices. This form may be completed on both sides and submitted along with the Application for a Place on the Ballot and Appointment of a Campaign Treasurer form. Please, note that while the Texas State Ethics Commission encourages all candidates to subscribe to this Code, it is on a voluntary basis.

All applicable financial reports must be completed by the candidate or the candidate's campaign treasurer; however, the candidate is responsible for filing all reports. Failing to file a report on time or filing an incomplete report may subject you to criminal or civil penalties. Should you have any questions concerning these reporting procedures, please contact the Texas Ethics Commission at 1-512-463-5800. Financial reports have been determined to be open records and will be viewed as such by reporters and opponents alike.

Political Signs: Attached is a brochure from the Texas Ethics Commission "Political Advertising-What You Need to Know." Unfortunately, political signs often become a source of frustration for all candidates. The signs are expensive to purchase and time-consuming to place. We encourage you to abide by City regulations pertaining to placement and size of political signs. The City does enforce sign regulations and, if placed improperly, City personnel will remove the signs.

Please, read the City of Littlefield Home Rule Charter, as a candidate for an elected office you should acquaint yourself with the charter.

***Drawing for a place on the ballot will be conducted on Friday, February 20, 2025 at 08:30 a.m. in the City Secretary's Office. If you cannot be present at that time, someone will draw for you.*** We appreciate your interest in our municipal government and hope this period will be a positive experience for you.

Good Luck,

City Secretary

CANDIDATE'S ELECTION CALENDAR  
QUICK REFERENCE FOR MAY 3, 2025 GENERAL ELECTION

DATE	EVENT
12/16/24	Last day to begin posting dates of filing period for general election
01/15/25	First day for filing application for a place on the ballot
01/28/25	City Council Regular Meeting; Mayor to Issue Order of Election
02/14/25	5:00p.m. deadline for filing a candidate application
02/18/25	5:00p.m. deadline for write-in candidate
02/21/25	Last day to withdraw candidate application or write-in candidate
02/20/25	08:30a.m. drawing for ballot position in City Secretary's office
04/22/25	First day of Early Voting
04/29/25	Last day of Early Voting
05/03/25	Election Day

## APPLICATION FOR A PLACE ON THE BALLOT FOR A GENERAL ELECTION FOR A CITY, SCHOOL DISTRICT OR OTHER POLITICAL SUBDIVISION

ALL INFORMATION IS REQUIRED TO BE PROVIDED UNLESS INDICATED AS OPTIONAL<sup>1</sup> Failure to provide required information may result in rejection of application.

<b>APPLICATION FOR A PLACE ON THE _____ GENERAL ELECTION BALLOT</b>					
TO: City Secretary/Secretary of Board _____ (name of election)					
I request that my name be placed on the above-named official ballot as a candidate for the office indicated below.					
<b>OFFICE SOUGHT</b> (Include any place number or other distinguishing number, if any.)				<b>INDICATE TERM</b> <input type="checkbox"/> FULL <input type="checkbox"/> UNEXPIRED	
<b>FULL NAME</b> (First, Middle, Last)			<b>PRINT NAME AS YOU WANT IT TO APPEAR ON THE BALLOT*</b>		
<b>PERMANENT RESIDENCE ADDRESS</b> (Do not include a P.O. Box or Rural Route. If you do not have a residence address, describe location of residence.)			<b>PUBLIC MAILING ADDRESS (Optional)</b> (Address for which you receive campaign related correspondence, if available.)		
<b>CITY</b>	<b>STATE</b>	<b>ZIP</b>	<b>CITY</b>	<b>STATE</b>	<b>ZIP</b>
<b>PUBLIC EMAIL ADDRESS (Optional)</b> (Address for which you receive campaign related emails, if available.)		<b>OCCUPATION (Do not leave blank)</b>	<b>DATE OF BIRTH</b> / /	<b>VOTER REGISTRATION VOID NUMBER<sup>2</sup> (Optional)</b>	
<b>TELEPHONE CONTACT INFORMATION (Optional)</b> Home: _____ Office: _____ Cell: _____					
<b>FELONY CONVICTION STATUS (You MUST check one)</b>		<b>LENGTH OF CONTINUOUS RESIDENCE AS OF DATE THIS APPLICATION WAS SWORN</b>			
<input type="checkbox"/> I have not been finally convicted of a felony. <input type="checkbox"/> I have been finally convicted of a felony, but I have been pardoned or otherwise released from the resulting disabilities of that felony conviction and I have provided proof of this fact with the submission of this application. <sup>3</sup>		<b>IN THE STATE OF TEXAS</b> _____ year(s) _____ month(s)		<b>IN TERRITORY/DISTRICT/PRECINCT FROM WHICH THE OFFICE SOUGHT IS ELECTED</b> _____ year(s) _____ month(s)	
*If using a nickname as part of your name to appear on the ballot, you are also signing and swearing to the following statements: I further swear that my nickname does not constitute a slogan or contain a title, nor does it indicate a political, economic, social, or religious view or affiliation. I have been commonly known by this nickname for at least three years prior to this election. Please review sections 52.031, 52.032 and 52.033 of the Texas Election Code regarding the rules for how names may be listed on the official ballot.					
Before me, the undersigned authority, on this day personally appeared (name of candidate) _____, who being by me here and now duly sworn, upon oath says: "I, (name of candidate) _____, of _____ County, Texas, being a candidate for the office of _____, swear that I will support and defend the Constitution and laws of the United States and of the State of Texas. I am a citizen of the United States eligible to hold such office under the constitution and laws of this state. I have not been determined by a final judgment of a court exercising probate jurisdiction to be totally mentally incapacitated or partially mentally incapacitated without the right to vote. I am aware of the nepotism law, Chapter 573, Government Code. I am aware that I must disclose any prior felony conviction, and if so convicted, must provide proof that I have been pardoned or otherwise released from the resulting disabilities of any such final felony conviction. I am aware that knowingly providing false information on the application regarding my possible felony conviction status constitutes a Class B misdemeanor. I further swear that the foregoing statements included in my application are in all things true and correct."					
<b>X</b> _____					
<b>SIGNATURE OF CANDIDATE</b>					
Sworn to and subscribed before me this the _____ day of _____, _____, by _____ (name of candidate)					
Signature of Officer Authorized to Administer Oath <sup>4</sup>			Printed Name of Officer Authorized to Administer Oath		
_____			Notarial or Official Seal		
Title of Officer Authorized to Administer Oath					
<b>TO BE COMPLETED BY FILING OFFICER: THIS APPLICATION IS ACCOMPANIED BY THE REQUIRED FILING FEE (If Applicable) PAID BY:</b>					
<input type="checkbox"/> CASH <input type="checkbox"/> CHECK <input type="checkbox"/> MONEY ORDER <input type="checkbox"/> CASHIERS CHECK OR <input type="checkbox"/> PETITION IN LIEU OF A FILING FEE.					
This document and \$_____ filing fee or a nominating petition of _____ pages received. <input type="checkbox"/> <b>Voter Registration Status Verified</b>					
_____/_____/_____ (See Section 1.007)		_____/_____/_____ (See Section 1.007)		_____	
Date Received		Date Accepted		Signature of Filing Officer or Designee	

## INSTRUCTIONS

An application for a place on the general election for a city, school district or other political subdivision, may not be filed earlier than 30 days before the deadline prescribed by this code for filing the application. An application filed before that day is void. All fields of the application **must** be completed unless specifically marked optional.

For an election to be held on a uniform election date, the day of the filing deadline is the 78th day before Election Day.

If you have questions about the application, please contact the Secretary of State's Elections Division at 800-252-8683.

## NEPOTISM LAW

The candidate must sign this statement indicating his awareness of the nepotism law. When a candidate signs the application, it is an acknowledgment that the candidate is aware of the nepotism law. The nepotism prohibitions of chapter 573, Government Code, are summarized below:

No officer may appoint, or vote for or confirm the appointment or employment of any person related within the second degree by affinity (marriage) or the third degree by consanguinity (blood) to the officer, or to any other member of the governing body or court on which the officer serves when the compensation of that person is to be paid out of public funds or fees of office. However, nothing in the law prevents the appointment, voting for, or confirmation of anyone who has been continuously employed in the office or employment for the following period prior to the election or appointment of the officer or member related to the employee in the prohibited degree: six months, if the officer or member is elected at an election other than the general election for state and county officers.

No candidate may take action to influence an employee of the office to which the candidate is seeking election or an employee or officer of the governmental body to which the candidate is seeking election regarding the appointment or employment of a person related to the candidate in a prohibited degree as noted above. This prohibition does not apply to a candidate's actions with respect to a bona fide class or category of employees or prospective employees.

## FOOTNOTES

<sup>1</sup>An application for a place on the ballot, including any accompanying petition, is public information immediately on its filing. (Section 141.035, Texas Election Code)

<sup>2</sup>Inclusion of a candidate's VUID is optional. However, many candidates are required to be registered voters in the territory from which the office is elected at the time of the filing deadline. Please visit the Elections Division of the Secretary of State's website for additional information. <https://www.sos.state.tx.us/elections/laws/voter-reg-req-candidate-faq.shtml>

<sup>3</sup>Proof of release from the resulting disabilities of a felony conviction would include proof of judicial clemency under Texas Code of Criminal Procedure 42A.701, proof of executive pardon under Texas Code of Criminal Procedure 48.01, or proof of a restoration of rights under Texas Code of Criminal Procedure 48.05. (Texas Attorney General Opinion KP-0251)

**One of the following documents must be submitted with this application.**

Judicial Clemency under Texas Code of Criminal Procedure 42A.701

Executive Pardon under Texas Code of Criminal Procedure 48.01

Restoration of Rights under Texas Code of Criminal Procedure 48.05

<sup>4</sup>All oaths, affidavits, or affirmations made within this State may be administered and a certificate of the fact given by a judge, clerk, or commissioner of any court of record, a notary public, a justice of the peace, city secretary (for a city office), and the Secretary of State of Texas. See Chapter 602 of the Texas Government Code for the complete list of persons authorized to administer oaths.

**SOLICITUD DE INSCRIPCIÓN PARA UN LUGAR EN LA BOLETA DE UNA ELECCIÓN GENERAL  
 PARA UNA CIUDAD, DISTRITO ESCOLAR U OTRA SUBDIVISIÓN POLÍTICA**

TODA LA INFORMACIÓN ES REQUERIDA A MENOS QUE SE INDIQUE COMO OPCIONAL<sup>1</sup> El hecho de no proporcionar la información requerida puede resultar en el rechazo de la solicitud.

<b>SOLICITUD DE INSCRIPCIÓN PARA UN LUGAR EN LA BOLETA DE UNA ELECCIÓN GENERAL DE _____</b>					
Para: Secretario(a) de la Ciudad/ Secretario(a) del Consejo			(nombre de la elección)		
Solicito que mi nombre se incluya en la boleta oficial mencionada anteriormente como candidato(a) al cargo indicado a continuación.					
<b>CARGO SOLICITADO</b> (Incluya cualquier número de cargo u otro número distintivo, si lo hay.)			<b>INDIQUE TÉRMINO</b> <input type="checkbox"/> TÉRMINO COMPLETO <input type="checkbox"/> TÉRMINO INCOMPLETO		
<b>NOMBRE COMPLETO</b> (Primer Nombre, Segundo Nombre, Apellido)			<b>ESCRIBA SU NOMBRE COMO DESEA QUE APAREZCA EN LA BOLETA*</b>		
<b>DIRECCIÓN DE RESIDENCIA PERMANENTE</b> (No incluya un apartado postal o una ruta rural. Si usted no tiene una dirección de residencia, describa la ubicación de la residencia.)			<b>DIRECCIÓN DE CORREO PÚBLICO (Opcional)</b> (Dirección en la que recibe la correspondencia relacionada con la campaña, si está disponible.)		
<b>CIUDAD</b>	<b>ESTADO</b>	<b>CÓDIGO POSTAL</b>	<b>CIUDAD</b>	<b>ESTADO</b>	<b>CÓDIGO POSTAL</b>
<b>DIRECCIÓN DE CORREO ELECTRÓNICO PÚBLICO (Opcional)</b> (Dirección donde recibe correo electrónico relacionado con la campaña, si está disponible.)		<b>OCUPACIÓN (No deje este espacio en blanco)</b>	<b>FECHA DE NACIMIENTO</b> / /	<b>VOID – NÚMERO ÚNICO DE IDENTIFICACIÓN DE VOTANTE<sup>2</sup> (Opcional)</b>	
<b>INFORMACIÓN DE CONTACTO TELEFÓNICO (Opcional)</b> Hogar: _____ Trabajo: _____ Celular: _____					
<b>ESTADO DE CONDENA POR DELITO GRAVE (DEBE marcar una)</b>			<b>DURACIÓN DE RESIDENCIA CONTINUA A PARTIR DE LA FECHA EN QUE ESTA SOLICITUD FUE JURADA</b>		
<input type="checkbox"/> No he sido finalmente condenado por un delito grave. <input type="checkbox"/> He sido finalmente condenado por un delito grave, pero he sido indultado o liberado de otro modo de las discapacidades resultantes de esa condena por delito grave y he proporcionado prueba de este hecho con la presentación de esta solicitud. <sup>3</sup>			<b>EN EL ESTADO DE TEXAS</b> ____ año(s) ____ mes(es)		<b>EN EL TERRITORIO/DISTRITO/PRECINTO DEL CUAL SE ELIGE EL CARGO BUSCADO</b> ____ año(s) ____ mes(es)
*Si usa un apodo como parte de su nombre para aparecer en la boleta, también está firmando y jurando las siguientes declaraciones: Juro además que mi apodo no constituye un lema ni contiene un título, ni indica un punto de vista o afiliación política, económica, social o religiosa. He sido comúnmente conocido por este apodo durante al menos tres años antes de esta elección. Por favor, revise las secciones 52.031, 52.032 y 52.033 del Código Electoral de Texas con respecto a las reglas sobre cómo se pueden incluir los nombres en la boleta oficial.					
Ante mí, la autoridad abajo firmante, en este día apareció personalmente (nombre del candidato) _____, quien estando a mi lado aquí y ahora debidamente juramentado, bajo juramento dice: “Yo, (nombre del candidato) _____, del condado de _____, Texas, siendo candidato para el cargo de _____, juro que apoyaré y defenderé la Constitución y las leyes de los Estados Unidos y del Estado de Texas. Soy un ciudadano de los Estados Unidos elegible para ocupar dicho cargo según la Constitución y las leyes de este estado. No se me ha determinado por un fallo final de una corte que ejerce la jurisdicción testamentaria que esté totalmente incapacitado mentalmente o parcialmente incapacitado sin derecho a voto. Soy consciente de la ley de nepotismo según el Capítulo 573 del Código de Gobierno. Soy consciente de que debo divulgar cualquier condena previa de un delito grave y, si he sido condenado, debo proporcionar prueba de que he sido indultado o liberado de otro modo de las discapacidades resultantes de dicha condena final por delito grave. Soy consciente de que proporcionar a sabiendas información falsa en la solicitud con respecto a mi posible estado de condena por delito grave constituye un delito menor de Clase B. Juro además que las declaraciones anteriores incluidas en mi solicitud son, en todos los aspectos, verdaderas y correctas.”					
<b>X</b> _____ <b>FIRMA DEL CANDIDATO</b>					
Jurado y suscrito ante mí este día ____ de ____ del ____ por ____. (día) (mes) (año) (nombre de candidato)					
Firma del oficial autorizado para administrar el juramento <sup>4</sup>			Nombre del oficial autorizado para administrar juramentos en letra de molde Notarial o sello oficial		
Título del oficial autorizado para administrar el juramento					
<b>TO BE COMPLETED BY FILING OFFICER: THIS APPLICATION IS ACCOMPANIED BY THE REQUIRED FILING FEE (If Applicable) PAID BY:</b> <input type="checkbox"/> CASH <input type="checkbox"/> CHECK <input type="checkbox"/> MONEY ORDER <input type="checkbox"/> CASHIERS CHECK OR <input type="checkbox"/> PETITION IN LIEU OF A FILING FEE. This document and \$_____ filing fee or a nominating petition of _____ pages received. <input type="checkbox"/> <b>Voter Registration Status Verified</b>					
____/____/____		____/____/____		(See Section 1.007) _____	
Date Received		Date Accepted		Signature of Filing Officer or Designee	

## INSTRUCCIONES

Una solicitud para un lugar en la elección general para una ciudad, distrito escolar u otra subdivisión política, no puede ser presentada antes de los 30 días antes de la fecha límite prescrita por este código para presentar la solicitud. Una solicitud presentada antes de ese día es nula. Todos los campos de la solicitud **deben** completarse a menos que estén específicamente marcados como opcional.

Para una elección que se lleve a cabo en una fecha de elección uniforme, el día de la fecha límite de presentación es el 7<sup>o</sup> día antes del día de la elección.

Si tiene preguntas sobre la solicitud, por favor póngase en contacto con la División de Elecciones del Secretario de Estado llamando al 800-252-8683.

## LEY DE NEPOTISMO

El candidato debe firmar esta declaración indicando su conocimiento de la ley del nepotismo. Cuando un candidato firma la solicitud, es un reconocimiento de que el candidato conoce la ley del nepotismo. Las prohibiciones de nepotismo del capítulo 573, Código de Gobierno, se resumen a continuación:

Ningún funcionario puede nombrar, votar o confirmar el nombramiento o empleo de cualquier persona emparentada dentro del segundo grado por afinidad (matrimonio) o del tercer grado por consanguinidad (sangre) con sí mismo, o con cualquier otro miembro del órgano de gobierno o corte en el que se desempeña cuando la compensación de esa persona debe pagarse con fondos públicos o honorarios del cargo. Sin embargo, nada en la ley impide el nombramiento, la votación o la confirmación de cualquier persona que haya estado empleada continuamente en la oficina o el empleo durante el período siguiente antes de la elección o el nombramiento del funcionario o miembro emparentado con el empleado en el grado prohibido: seis meses, si el funcionario o miembro es elegido en una elección que no sea la elección general para funcionarios estatales y del condado.

Ningún candidato puede tomar medidas para influir en un empleado del cargo al que aspira a ser elegido o en un empleado o funcionario del organismo gubernamental al que aspira a ser elegido en relación con el nombramiento o el empleo de una persona emparentada con el candidato en un grado prohibido, tal como se ha indicado anteriormente. Esta prohibición no se aplica a las acciones de un candidato con respecto a una clase o categoría de buena fe de empleados o empleados prospectos.

## NOTAS

<sup>1</sup>Una solicitud para un lugar en la boleta electoral, incluida cualquier petición que la acompañe, es información pública inmediatamente después de su presentación. (Sección 141.035, Código Electoral de Texas)

<sup>2</sup>La inclusión del número único de identificación de votante (VUID, por sus siglas en Inglés) es opcional. Sin embargo, a muchos candidatos se les exige que estén registrados como votantes en el territorio desde el cual se elige el cargo en el momento de la fecha límite de presentación. Por favor, visite el sitio web de la División de Elecciones de la Secretaría de Estado para obtener información adicional. <https://www.sos.state.tx.us/elections/laws/voter-reg-req-candidate-faq.shtml>

<sup>3</sup>La prueba de liberación de las discapacidades resultantes de una condena por un delito grave incluiría prueba de clemencia judicial según el Código de Procedimiento Penal de Texas 42A.701, prueba de indulto ejecutivo según el Código de Procedimiento Penal de Texas 48.01, o prueba de una restauración de derechos según el Código de Procedimiento Penal de Texas 48.05. (Opinión de Fiscal General de Texas KP-0251)

**Se debe enviar uno de los siguientes documentos con esta solicitud:**

Clemencia judicial según el Código de Procedimiento Penal de Texas 42A.701

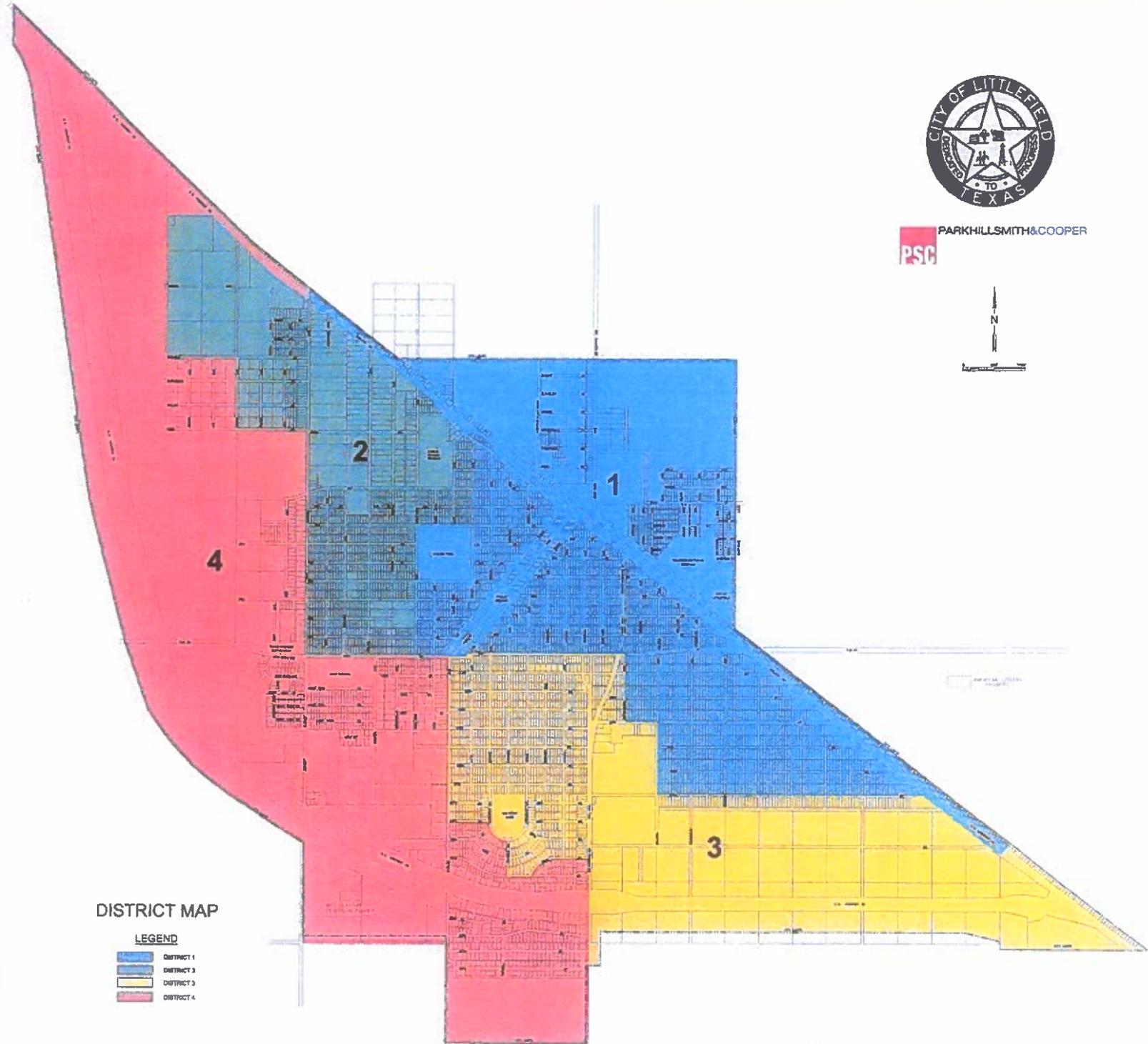
Prueba de indulto ejecutivo según el Código de Procedimiento Penal de Texas 48.01

Prueba de una restauración de derechos según el Código de Procedimiento Penal de Texas 48.05

<sup>4</sup>Todos los juramentos, declaraciones juradas o afirmaciones hechas dentro de este estado pueden ser administrados y un certificado del hecho dado por un juez, secretario(a) o comisionado de cualquier corte de registro, un notario público, un juez de paz, secretario municipal (para una oficina de la ciudad) y el Secretario de Estado de Texas. Consulte el Capítulo 602 del Código del Gobierno de Texas para obtener la lista completa de personas autorizadas a administrar juramentos.



PARKHILLSMITH&COOPER  
PSC



DISTRICT MAP

LEGEND

	DISTRICT 1
	DISTRICT 2
	DISTRICT 3
	DISTRICT 4

# First Steps for Candidates Running for a City Office

This quick-start guide for candidates seeking a city office is not intended to provide comprehensive information. For more details, including information on political advertising requirements, fundraising rules, and filing schedules, see the Texas Ethics Commission's (TEC) website at [www.ethics.state.tx.us](http://www.ethics.state.tx.us).

## 1. All candidates must file a Campaign Treasurer Appointment (Form CTA).

All candidates must file [Form CTA](#) even if you do not intend to raise or spend any money. [Form CTA](#) is required to be filed before you file an application for a place on the ballot, raise or spend any money for your campaign, or announce your candidacy. File [Form CTA](#) with the city clerk or city secretary, as applicable.

## 2. Opposed Candidates: Will you accept or spend more than **\$1,080\*** for the election?

### • YES:

- You do not qualify to file on the modified reporting schedule.
- You are **required** to file pre-election campaign finance reports using [Form C/OH](#) if you have an opponent on the ballot. Find [Form C/OH](#) and its instructions on our "[Local Filers Non-Judicial Candidate/Officeholder](#)" webpage.
- Pre-election reports are due 30 days and 8 days prior to each election. To be timely filed, pre-election reports must be received by the city clerk or city secretary no later than the due date.

### • NO:

- You can elect to file on the modified reporting schedule by completing the *Modified Reporting Declaration* on page two of [Form CTA](#). File [Form CTA](#) with the city clerk or city secretary.
- If you elect to file on the modified reporting schedule, you do not have to file pre-election campaign finance reports due 30 days and 8 days prior to the election.
- Exceed \$1,080\*: If you elect to file on the modified reporting schedule but later exceed \$1,080 in either contributions or expenditures, what reports you will be required to file depends upon when you exceed \$1,080\*.
  - If you exceed \$1,080\* on or before the 30th day before the election, you are **required** to file pre-election campaign finance reports due 30 days and 8 days prior to an election using [Form C/OH](#). To be timely filed, pre-election reports must be received by the city clerk or city secretary no later than the due date. Find [Form C/OH](#) and its instructions on our "[Local Filers Non-Judicial Candidate/Officeholder](#)" webpage.
  - If you exceed \$1,080\* after the 30th day before the election, you are **required** to file an Exceeded Modified Reporting Limit report using [Form C/OH](#). To be timely filed, this report must be filed with the city clerk or city secretary within 48 hours of exceeding \$1,080.\* You must also file the pre-election report due 8 days prior to an election. Find [Form C/OH](#) and its instructions on our "[Local Filers Non-Judicial Candidate/Officeholder](#)" webpage. If you exceed \$1,080\* on or before the 8th day before the election, you are **required** to file a pre-election campaign finance report due 8 days prior to an election using [Form C/OH](#). To be timely filed, the pre-election

report must be *received* by the city clerk or city secretary no later than the due date. Find [Form C/OH](#) and its instructions on our “[Local Filers Non-Judicial Candidate/Officeholder](#)” webpage.

### 3. **Unopposed Candidates.**

If you do not have an opponent whose name will appear on the ballot in the election, you are an unopposed candidate and are not required to file pre-election campaign finance reports prior to that election.

### 4. **All candidates must file semiannual campaign finance reports ([Form C/OH](#)).**

All candidates are **required** to file semiannual reports using [Form C/OH](#) even if you have no campaign activity or were unsuccessful in the election. Semiannual reports are due on January 15th and July 15th and must be filed with the city clerk or city secretary. To end your filing obligations, you must cease campaign activity and file a Final report using [Form C/OH](#) and attaching Form C/OH-FR (Designation of Final Report). Form C/OH-FR is found on the last page of [Form C/OH](#). Find [Form C/OH](#) and its instructions on our “[Local Filers Non-Judicial Candidate/Officeholder](#)” webpage. For more information, see “[Ending Your Campaign](#)” for local filers.

### 5. **All candidates can use the TEC’s Filing Application to prepare campaign finance reports ([Form C/OH](#)).**

You can use the TEC’s [Filing Application](#) to prepare a PDF version of your campaign finance report ([Form C/OH](#)). Select “Local Authority” and follow the steps to set up an account and login to the application. Once you have completed your report, print out a copy, add your treasurer information, get it notarized, and file it with the city clerk or city secretary by the appropriate deadline.

### 6. **Need More Information?**

See the [Campaign Finance Guide for Candidates and Officeholders Who File With Local Filing Authorities](#), forms, instructions, examples on how to disclose contributions and expenditures, political advertising and fundraising guides, and other information you may find useful on our website at [www.ethics.state.tx.us](http://www.ethics.state.tx.us) under the “Resources” and “Forms/Instructions” main menu items.

**\*NOTE:** *The \$1,080 threshold is specific to transactions made in 2024.*



# CANDIDATE MODIFIED REPORTING DECLARATION

FORM CTA  
PG 2

11 CANDIDATE  
NAME

12 MODIFIED  
REPORTING  
DECLARATION

## COMPLETE THIS SECTION ONLY IF YOU ARE CHOOSING MODIFIED REPORTING

•• This declaration must be filed no later than the 30th day before the first election to which the declaration applies. ••

•• The modified reporting option is valid for one election cycle only. ••  
(An election cycle includes a primary election, a general election, and any related runoffs.)

• Candidates for the office of state chair of a political party may NOT choose modified reporting. ••

I do not intend to accept more than \$1,080 in political contributions or make more than \$1,080 in political expenditures (excluding filing fees) in connection with any future election within the election cycle. I understand that if either one of those limits is exceeded, I will be required to file pre-election reports and, if necessary, a runoff report.

\_\_\_\_\_  
Year of election(s) or election cycle to  
which declaration applies

\_\_\_\_\_  
Signature of Candidate

**This appointment is effective on the date it is filed with the appropriate filing authority.**

TEC Filers may send this form to the TEC electronically at [treasappoint@ethics.state.tx.us](mailto:treasappoint@ethics.state.tx.us)  
or mail to  
Texas Ethics Commission  
P.O. Box 12070  
Austin, TX 78711-2070

**Non-TEC Filers must file this form with the local filing authority  
DO NOT SEND TO TEC**

For more information about where to file go to:  
<https://www.ethics.state.tx.us/filinginfo/QuickFileAReport.php>

# TEXAS ETHICS COMMISSION

## APPOINTMENT OF A CAMPAIGN TREASURER BY A CANDIDATE

### FORM CTA--INSTRUCTION GUIDE



Revised January 1, 2024

Texas Ethics Commission, P.O. Box 12070, Austin, Texas 78711

[www.ethics.state.tx.us](http://www.ethics.state.tx.us)

(512) 463-5800 • TDD (800) 735-2989

*Promoting Public Confidence in Government*

# FORM CTA—INSTRUCTION GUIDE

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## **APPOINTMENT OF A CAMPAIGN TREASURER BY A CANDIDATE**

### **GENERAL INSTRUCTIONS**

*These instructions are for the APPOINTMENT OF A CAMPAIGN TREASURER BY A CANDIDATE (Form CTA). Use Form CTA only for appointing your campaign treasurer. Use the AMENDMENT (Form ACTA) for changing information previously reported on Form CTA and for renewing your choice to report under the modified schedule. Note: Candidates for most judicial offices use Form JCTA to file a campaign treasurer appointment.*

### **DUTIES OF A CANDIDATE OR OFFICEHOLDER**

As a candidate or officeholder, you alone, not the campaign treasurer, are responsible for filing this form and all candidate/officeholder reports of contributions, expenditures, and loans. Failing to file a report on time or filing an incomplete report may subject you to criminal or civil penalties.

### **QUALIFICATIONS OF CAMPAIGN TREASURER**

A person is ineligible for appointment as a campaign treasurer if the person is the campaign treasurer of a political committee that has outstanding filing obligations (including outstanding penalties). This prohibition does not apply if the committee in connection with which the ineligibility arose has not accepted more than \$5,000 in political contributions or made more than \$5,000 in political expenditures in any semiannual reporting period. A person who violates this prohibition is liable for a civil penalty not to exceed three times the amount of political contributions accepted or political expenditures made in violation of this provision. Note: A candidate may appoint himself or herself as his or her own campaign treasurer.

### **DUTIES OF A CAMPAIGN TREASURER**

State law does not impose any obligations on a candidate's campaign treasurer.

### **REQUIREMENT TO FILE BEFORE BEGINNING A CAMPAIGN**

If you plan to run for a public office in Texas (except for a federal office), you must file this form when you become a candidate even if you do not intend to accept campaign contributions or make campaign expenditures. A "candidate" is a person who knowingly and willingly takes affirmative action for the purpose of gaining nomination or election to public office or for the purpose of satisfying financial obligations incurred by the person in connection with the campaign for nomination or election. Examples of affirmative action include:

- (A) the filing of a campaign treasurer appointment, except that the filing does not constitute candidacy or an announcement of candidacy for purposes of the automatic resignation provisions of Article XVI, Section 65, or Article XI, Section 11, of the Texas Constitution;
- (B) the filing of an application for a place on the ballot;

- (C) the filing of an application for nomination by convention;
- (D) the filing of a declaration of intent to become an independent candidate or a declaration of write-in candidacy;
- (E) the making of a public announcement of a definite intent to run for public office in a particular election, regardless of whether the specific office is mentioned in the announcement;
- (F) before a public announcement of intent, the making of a statement of definite intent to run for public office and the soliciting of support by letter or other mode of communication;
- (G) the soliciting or accepting of a campaign contribution or the making of a campaign expenditure; and
- (H) the seeking of the nomination of an executive committee of a political party to fill a vacancy.

Additionally, the law provides that you must file this form before you may accept a campaign contribution or make or authorize a campaign expenditure, including an expenditure from your personal funds. A filing fee paid to a filing authority to qualify for a place on a ballot is a campaign expenditure that may not be made before filing a campaign treasurer appointment form with the proper filing authority.

If you are an officeholder, you may make officeholder expenditures and accept officeholder contributions without having a campaign treasurer appointment on file. If you do not have a campaign treasurer appointment on file and you wish to accept *campaign* contributions or make *campaign* expenditures in connection with your office or for a different office, you must file this form before doing so. In such a case, a sworn report of contributions, expenditures, and loans will be due no later than the 15th day after filing this form.

## WHERE TO FILE A CAMPAIGN TREASURER APPOINTMENT

The appropriate filing authority depends on the office sought or held.

**a. Texas Ethics Commission.** The Texas Ethics Commission (Commission) is the appropriate filing authority for the Secretary of State and for candidates for or holders of the following offices:

- Governor, Lieutenant Governor, Attorney General, Comptroller, Treasurer, Land Commissioner, Agriculture Commissioner, Railroad Commissioner.
- State Senator or State Representative.
- Supreme Court Justice, Court of Criminal Appeals Judge, and Court of Appeals Judge.\*

- State Board of Education.
- A multi-county district judge\* or multi-county district attorney.
- A single-county district judge.\*
- An office of a political subdivision other than a county if the political subdivision includes areas in more than one county and if the governing body of the political subdivision has not been formed.
- A chair of the state executive committee of a political party with a nominee on the ballot in the most recent gubernatorial election.
- A county chair of a political party with a nominee on the ballot in the most recent gubernatorial election if the county has a population of 350,000 or more.

\* Judicial candidates use FORM JCTA to appoint a campaign treasurer.

**b. County Clerk.** The county clerk (or the county elections administrator or tax assessor, as applicable) is the appropriate local filing authority for a candidate for:

- A county office.
- A precinct office.
- A district office (except for multi-county district offices).
- An office of a political subdivision other than a county if the political subdivision is within the boundaries of a single county and if the governing body of the political subdivision has not been formed.

**c. Local Filing Authority.** If a candidate is seeking an office of a political subdivision other than a county, the appropriate filing authority is the *clerk or secretary of the governing body* of the political subdivision. If the political subdivision has no clerk or secretary, the appropriate filing authority is the governing body's presiding officer. Basically, any political subdivision that is authorized by the laws of this state to hold an election is considered a local filing authority. Examples are cities, school districts, and municipal utility districts.

## **FILING WITH A DIFFERENT AUTHORITY**

If you have a campaign treasurer appointment on file with one authority, and you wish to accept campaign contributions or make or authorize campaign expenditures in connection with another office that would require filing with a different authority, you must file a new campaign treasurer appointment *and* a copy of your old campaign treasurer appointment (certified by the old authority) with the new filing authority before beginning your campaign. You should also provide written notice to the original filing authority that your future reports will be filed with another authority; use Form CTA-T for this purpose.

## **FORMING A POLITICAL COMMITTEE**

As a candidate, you must file an APPOINTMENT OF A CAMPAIGN TREASURER BY A CANDIDATE (FORM CTA). You may also form a specific-purpose committee to support your candidacy. Remember that filing a campaign treasurer appointment for a political committee does not eliminate the requirement that a candidate file his or her own campaign treasurer appointment (FORM CTA) and the related reports.

**NOTE:** *See the Campaign Finance Guide for Political Committees for further information about specific-purpose committees.*

## **CHANGING A CAMPAIGN TREASURER**

If you wish to change your campaign treasurer, simply file an amended campaign treasurer appointment (FORM ACTA). This will automatically terminate the outgoing campaign treasurer appointment.

## **AMENDING A CAMPAIGN TREASURER APPOINTMENT**

If *any* of the information reported on the campaign treasurer appointment (FORM CTA) changes, file an AMENDMENT: APPOINTMENT OF A CAMPAIGN TREASURER BY A CANDIDATE (FORM ACTA) to report the change.

## **REPORTING REQUIREMENT FOR CERTAIN OFFICEHOLDERS**

If you are an officeholder who appoints a campaign treasurer after a period of not having one, you must file a report of contributions, expenditures, and loans no later than the 15th day after your appointment is effective. This requirement is not applicable if you are a candidate or an officeholder who is merely changing campaign treasurers.

## **TERMINATING A CAMPAIGN TREASURER APPOINTMENT**

You may terminate your campaign treasurer appointment at any time by:

- 1) filing a campaign treasurer appointment for a successor campaign treasurer, or
- 2) filing a final report.

Remember that you may not accept any campaign contributions or make or authorize any campaign expenditures without a campaign treasurer appointment on file. You may, however, accept officeholder contributions and make or authorize officeholder expenditures.

If your campaign treasurer quits, he or she must give written notice to both you and your filing authority. The termination will be effective on the date you receive the notice or on the date your filing authority receives the notice, whichever is later.

## FILING A FINAL REPORT

For filing purposes, you are a “candidate” as long as you have an appointment of campaign treasurer on file. If you do not expect to accept any further campaign contributions or to make any further campaign expenditures, you may file a final report of contributions and expenditures. A final report terminates your appointment of campaign treasurer and relieves you of the obligation of filing further reports as a candidate. If you have surplus funds, or if you retain assets purchased with political funds, you will be required to file annual reports. (*See instructions for FORM C/OH - UC.*) If you are an officeholder at the time of filing a final report, you may be required to file semiannual reports of contributions, expenditures, and loans as an officeholder.

If you do not have an appointment of campaign treasurer on file, you may not accept *campaign* contributions or make *campaign* expenditures. A payment on a campaign debt is a campaign expenditure. An officeholder who does not have an appointment of campaign treasurer on file may accept *officeholder* contributions and make *officeholder* expenditures.

To file a final report, you must complete the CANDIDATE/OFFICEHOLDER CAMPAIGN FINANCE REPORT (FORM C/OH), check the “final” box on Page 1, Section 9, and complete and attach the DESIGNATION OF FINAL REPORT (FORM C/OH-FR).

## ELECTRONIC FILING

All persons filing campaign finance reports with the Commission are required to file those reports electronically unless the person is entitled to claim an exemption. Please check the Commission’s website at <http://www.ethics.state.tx.us> for information about exemptions from the electronic filing requirements.

## GUIDES

All candidates should review the applicable Commission’s campaign finance guide. Guides are available on the Commission’s website at <http://www.ethics.state.tx.us>.

## SPECIFIC INSTRUCTIONS

*Each numbered item in these instructions corresponds to the same numbered item on the form.*

### PAGE 1

- 1. TOTAL PAGES FILED:** After you have completed the form, enter the total number of pages of this form and any additional pages. A “page” is one side of a two-sided form. If you are not using a two-sided form, a “page” is a single sheet.
- 2. CANDIDATE NAME:** Enter your full name, including nicknames and suffixes (e.g., Sr., Jr., III), if applicable. Enter your name in the same way on Page 2, Section 11, of this form.
- 3. CANDIDATE MAILING ADDRESS:** Enter your complete mailing address, including zip code. This information will allow your filing authority to correspond with you. If this information changes, please notify your filing authority immediately.

4. **CANDIDATE PHONE:** Enter your phone number, including the area code and extension, if applicable.
5. **OFFICE HELD:** If you are an officeholder, please enter the office you currently hold. Include the district, precinct, or other designation for the office, if applicable.
6. **OFFICE SOUGHT:** If you are a candidate, please enter the office you seek, if known. Include the district, precinct, or other designation for the office, if applicable.
7. **CAMPAIGN TREASURER NAME:** Enter the full name of your campaign treasurer, including nicknames and suffixes (e.g., Sr., Jr., III), if applicable.
8. **CAMPAIGN TREASURER STREET ADDRESS:** Enter the complete street address of your campaign treasurer, including the zip code. You may enter either the treasurer's business or residential street address. If you are your own treasurer, you may enter either your business or residential street address.
9. **CAMPAIGN TREASURER PHONE:** Enter the phone number of your campaign treasurer, including the area code and extension, if applicable.
10. **CANDIDATE SIGNATURE:** Enter your signature after reading the summary. Your signature here indicates that you have read the following summary of the nepotism law; that you are aware of your responsibility to file timely reports; and that you are aware of the restrictions on contributions from corporations and labor organizations.
  - The Texas nepotism law (Government Code, chapter 573) imposes certain restrictions on both officeholders and candidates. You should consult the statute in regard to the restrictions applicable to officeholders.
  - A candidate may not take an affirmative action to influence an employee of the office to which the candidate seeks election in regard to the appointment, confirmation, employment or employment conditions of an individual who is related to the candidate within a prohibited degree.
  - A candidate for a multi-member governmental body may not take an affirmative action to influence an officer or employee of the governmental body to which the candidate seeks election in regard to the appointment, confirmation, or employment of an individual related to the candidate in a prohibited degree.
  - Two people are related within a prohibited degree if they are related within the third degree by consanguinity (blood) or the second degree by affinity (marriage). The degree of consanguinity is determined by the number of generations that separate them. If neither is descended from the other, the degree of consanguinity is determined by adding the number of generations that each is separated from a common ancestor. Examples: (1) first degree - parent to child; (2) second degree - grandparent to grandchild; or brother to sister; (3) third degree - great-grandparent to great-grandchild; or aunt to niece who is child of individual's brother or sister. A husband and wife are related in the first degree by affinity. A wife has the same degree of relationship by affinity to her husband's relatives as her husband has by

consanguinity. For example, a wife is related to her husband's grandmother in the second degree by affinity.

**PAGE 2**

**11. CANDIDATE NAME:** Enter your name as you did on Page 1.

**12. MODIFIED REPORTING DECLARATION:** Sign this option if you wish to report under the modified reporting schedule.

The modified reporting option is not available for candidates for the office of state chair of a political party and candidates for county chair of a political party.

To the left of your signature, enter the year of the election or election cycle to which your selection of modified reporting applies.

Your selection of modified reporting is valid for an entire election cycle. For example, if you choose modified reporting before a primary election, your selection remains in effect for any runoff and for the general election and any related runoff. You must make this selection at least 30 days before the first election to which your selection applies.

An opposed candidate in an election is eligible to report under the modified reporting schedule if he or she does not intend to accept more than \$1,080 in political contributions or make more than \$1,080 in political expenditures in connection with an election. The amount of a filing fee paid to qualify for a place on the ballot does not count against the \$1,080 expenditure limit. An opposed candidate who reports under the modified schedule is not required to file pre-election reports (due 30 days and 8 days before an election) or runoff reports (due 8 days before a runoff). (Note: An *unopposed* candidate is not required to file pre-election reports in the first place.) The obligations to file semiannual reports, special pre-election reports (formerly known as telegram reports), or special session reports, if applicable, are not affected by selecting the modified schedule.

The \$1,080 maximums apply to each election within the cycle. In other words, you are limited to \$1,080 in contributions and expenditures in connection with the primary, an additional \$1,080 in contributions and expenditures in connection with the general election, and an additional \$1,080 in contributions and expenditures in connection with a runoff.

**EXCEEDING \$1,080 IN CONTRIBUTIONS OR EXPENDITURES.** If you exceed \$1,080 in contributions or expenditures in connection with an election, you must file according to the regular filing schedule. In other words, you must file pre-election reports and a runoff report, if you are in a runoff.

If you exceed either of the \$1,080 limits *after the 30th day before the election*, you must file a sworn report of contributions and expenditures within 48 hours after exceeding the limit. After that, you must file any pre-election reports or runoff reports that are due under the regular filing schedule.

Your selection is not valid for other elections or election cycles. Use the AMENDMENT (FORM ACTA) to renew your option to file under the modified schedule for a different election year or election cycle.

*For more information, see the Commission's campaign finance guide that applies to you.*

# CODE OF FAIR CAMPAIGN PRACTICES

## FORM CFCP COVER SHEET

Pursuant to chapter 258 of the Election Code, every candidate and political committee is encouraged to subscribe to the Code of Fair Campaign Practices. The Code may be filed with the proper filing authority upon submission of a campaign treasurer appointment form. Candidates or political committees that already have a current campaign treasurer appointment on file as of September 1, 1997, may subscribe to the code at any time.

*Subscription to the Code of Fair Campaign Practices is voluntary.*

### OFFICE USE ONLY

Date Received

Date Hand-delivered or Postmarked

Date Processed

Date Imaged

**1 ACCOUNT NUMBER**  
(Ethics Commission Filers)

**2 TYPE OF FILER**

CANDIDATE

POLITICAL COMMITTEE

*If filing as a candidate, complete boxes 3 - 6, then read and sign page 2.*

*If filing for a political committee, complete boxes 7 and 8, then read and sign page 2.*

**3 NAME OF CANDIDATE**  
(PLEASE TYPE OR PRINT)

TITLE (Dr., Mr., Ms., etc.)

FIRST

MI

NICKNAME

LAST

SUFFIX (SR., JR., III, etc.)

**4 TELEPHONE NUMBER OF CANDIDATE**  
(PLEASE TYPE OR PRINT)

AREA CODE

PHONE NUMBER

EXTENSION

( )

**5 ADDRESS OF CANDIDATE**  
(PLEASE TYPE OR PRINT)

STREET / PO BOX;

APT / SUITE #;

CITY;

STATE;

ZIP CODE

**6 OFFICE SOUGHT BY CANDIDATE**  
(PLEASE TYPE OR PRINT)

**7 NAME OF COMMITTEE**  
(PLEASE TYPE OR PRINT)

**8 NAME OF CAMPAIGN TREASURER**  
(PLEASE TYPE OR PRINT)

TITLE (Dr., Mr., Ms., etc.)

FIRST

MI

NICKNAME

LAST

SUFFIX (SR., JR., III, etc.)

**GO TO PAGE 2**

# CODE OF FAIR CAMPAIGN PRACTICES

There are basic principles of decency, honesty, and fair play that every candidate and political committee in this state has a moral obligation to observe and uphold, in order that, after vigorously contested but fairly conducted campaigns, our citizens may exercise their constitutional rights to a free and untrammelled choice and the will of the people may be fully and clearly expressed on the issues.

THEREFORE:

- (1) I will conduct the campaign openly and publicly and limit attacks on my opponent to legitimate challenges to my opponent's record and stated positions on issues.
- (2) I will not use or permit the use of character defamation, whispering campaigns, libel, slander, or scurrilous attacks on any candidate or the candidate's personal or family life.
- (3) I will not use or permit any appeal to negative prejudice based on race, sex, religion, or national origin.
- (4) I will not use campaign material of any sort that misrepresents, distorts, or otherwise falsifies the facts, nor will I use malicious or unfounded accusations that aim at creating or exploiting doubts, without justification, as to the personal integrity or patriotism of my opponent.
- (5) I will not undertake or condone any dishonest or unethical practice that tends to corrupt or undermine our system of free elections or that hampers or prevents the full and free expression of the will of the voters, including any activity aimed at intimidating voters or discouraging them from voting.
- (6) I will defend and uphold the right of every qualified voter to full and equal participation in the electoral process, and will not engage in any activity aimed at intimidating voters or discouraging them from voting.
- (7) I will immediately and publicly repudiate methods and tactics that may come from others that I have pledged not to use or condone. I shall take firm action against any subordinate who violates any provision of this code or the laws governing elections.

I, the undersigned, candidate for election to public office in the State of Texas or campaign treasurer of a political committee, hereby voluntarily endorse, subscribe to, and solemnly pledge myself to conduct the campaign in accordance with the above principles and practices.

---

Signature

---

Date

# **POLITICAL ADVERTISING**

## **What You Need to Know**



The Texas Election Code requires certain disclosures and notices on political advertising. The law also prohibits certain types of misrepresentation in political advertising and campaign communications. This brochure explains what you need to know to insure that your political advertising and campaign communications comply with the law.

If you are not sure what the law requires, do the cautious thing. Use the political advertising disclosure statement whenever you think it might be necessary, and do not use any possibly misleading information in political advertising or a campaign communication. If you are using political advertising or campaign communications from a prior campaign, you should check to see if the law has changed since that campaign.

Candidates for federal office should check with the Federal Election Commission at (800) 424-9530 for information on federal political advertising laws.

**NOTICE:** This guide is intended only as a general overview of the disclosure statements that must appear on political advertising as required under [Chapter 255 of the Election Code](#), which is distinct from political reporting requirements under [Chapter 254 of the Election Code](#).

**Texas Ethics Commission**  
**P.O. Box 12070**  
**Austin, Texas 78711-2070**

**(512) 463-5800**

**TDD (800) 735-2989**

**Visit us at [www.ethics.state.tx.us](http://www.ethics.state.tx.us).**

Revised July 16, 2019

## REQUIRED DISCLOSURE ON POLITICAL ADVERTISING

### I. What Is Political Advertising?

The disclosure statement and notice requirements discussed in this section apply to “political advertising.” In the law, “political advertising” is a specifically defined term. Do not confuse this special term with your own common-sense understanding of advertising.

To figure out if a communication is political advertising, you must look at what it says and where it appears. If a communication fits in one of the categories listed in Part A (below) and if it fits in one of the categories listed in Part B (below), it is political advertising.

#### Part A. What Does It Say?

1. Political advertising includes communications supporting or opposing a candidate for nomination or election to either a public office or an office of a political party (including county and precinct chairs).
2. Political advertising includes communications supporting or opposing an officeholder, a political party, or a measure (a ballot proposition).

#### Part B. Where Does It Appear?

1. Political advertising includes communications that appear in pamphlets, circulars, fliers, billboards or other signs, bumper stickers, or similar forms of written communication.
2. Political advertising includes communications that are published in newspapers, magazines, or other periodicals in return for consideration.
3. Political advertising includes communications that are broadcast by radio or television in return for consideration.
4. Political advertising includes communications that appear on an Internet website.

### II. When Is a Disclosure Statement Required?

The law provides that political advertising that contains express advocacy is required to include a disclosure statement. The person who causes the political advertising to be published, distributed, or broadcast is responsible for including the disclosure statement.

The law does not define the term “express advocacy.” However, the law does provide that political advertising is deemed to contain express advocacy if it is authorized by a candidate, an agent of a candidate, or a political committee filing campaign finance reports. Therefore, a disclosure statement is required any time a candidate, a candidate’s agent, or a political committee authorizes political advertising.

The precise language of political advertising authorized by someone other than a candidate, the candidate's agent, or a political committee will determine if the advertising contains express advocacy and is therefore required to include a disclosure statement. Generally, the question is whether the communication expressly advocates the election or defeat of an identified candidate, or expressly advocates the passage or defeat of a measure, such as a bond election. The inclusion of words such as "vote for," "elect," "support," "defeat," "reject," or "Smith for Senate" would clearly constitute express advocacy, but express advocacy is not limited to communications that use those words. Similar phrases, such as "Cast your ballot for X," would also constitute express advocacy. Additionally, in 2007, the United States Supreme Court held that an advertisement included express advocacy or its functional equivalent "if the ad is susceptible to no reasonable interpretation other than as an appeal to vote for or against a specific candidate." *FEC v. Wis. Right to Life, Inc.*, 551 U.S. 449 (2007). It is a question of fact whether a particular communication constitutes express advocacy. If you are not sure whether political advertising contains express advocacy, do the cautious thing and include the disclosure statement. That way, there is no need to worry about whether you have violated the law.

Remember: The concept of "express advocacy" is relevant in determining whether political advertising is required to include a disclosure statement. However, the political advertising laws governing the right-of-way notice, misrepresentation, and use of public funds by political subdivisions will apply to political advertising regardless of whether the advertising contains express advocacy.

### **III. What Should the Disclosure Statement Say?**

A disclosure statement must include the following:

1. the words "political advertising" or a recognizable abbreviation such as "pol. adv."; and
2. the full name of one of the following: (a) the person who paid for the political advertising; (b) the political committee authorizing the political advertising; or (c) the candidate or specific-purpose committee supporting the candidate, if the political advertising is authorized by the candidate.

The disclosure statement must appear on the face of the political advertising or be clearly spoken if the political advertising is audio only and does not include written text.

The advertising should not be attributed to entities such as "Committee to Elect John Doe" unless a specific-purpose committee named "Committee to Elect John Doe" has filed a campaign treasurer appointment with the Ethics Commission or a local filing authority.

### **IV. Are There Any Exceptions to the Disclosure Statement Requirement?**

The following types of political advertising do not need the disclosure statement:

1. t-shirts, balloons, buttons, emery boards, hats, lapel stickers, small magnets, pencils, pens, pins, wooden nickels, candy wrappers, and similar materials;
2. invitations or tickets to political fundraising events or to events held to establish support for a candidate or officeholder;

3. an envelope that is used to transmit political advertising, provided that the political advertising in the envelope includes the disclosure statement;
4. circulars or fliers that cost in the aggregate less than \$500 to publish and distribute;
5. political advertising printed on letterhead stationery, if the letterhead includes the name of one of the following: (a) the person who paid for the advertising, (b) the political committee authorizing the advertising, or, (c) the candidate or specific-purpose committee supporting the candidate, if the political advertising is authorized by the candidate. (Note: There is also an exception for holiday greeting cards sent by an officeholder, provided that the officeholder's name and address appear on the card or the envelope.)
6. postings or re-postings on an Internet website if the person posting or re-posting is not an officeholder, candidate, or political committee and did not make an expenditure exceeding \$100 in a reporting period for political advertising beyond the basic cost of hardware messaging software and bandwidth;
7. an Internet social media profile webpage of a candidate or officeholder, if the webpage clearly and conspicuously displays the full name of the candidate or officeholder; and
8. postings or re-postings on an Internet website if the advertising is posted with a link to a publicly viewable Internet webpage that either contains the disclosure statement or is an Internet social media profile webpage of a candidate or officeholder that clearly and conspicuously displays the candidate's or officeholder's full name.

#### **V. What Should I Do If I Discover That My Political Advertising Does Not Contain a Disclosure Statement?**

The law prohibits a person from using, causing or permitting to be used, or continuing to use political advertising containing express advocacy if the person knows it does not include the disclosure statement. A person is presumed to know that the use is prohibited if the Texas Ethics Commission notifies the person in writing that the use is prohibited. If you receive notice from the Texas Ethics Commission that your political advertising does not comply with the law, you should stop using it immediately.

If you learn that a political advertising sign designed to be seen from the road does not contain a disclosure statement or contains an inaccurate disclosure statement, you should make a good faith attempt to remove or correct those signs that have been distributed. You are not required to attempt to recover other types of political advertising that have been distributed with a missing or inaccurate disclosure statement.

#### **VI. The Fair Campaign Practices Act.**

The [Fair Campaign Practices Act](#) sets out basic rules of decency, honesty, and fair play to be followed by candidates and political committees during a campaign. A candidate or political committee may choose to subscribe to the voluntary code by signing a copy of the code and filing it with the authority with whom the candidate or committee is required to file its campaign

treasurer appointment. A person subscribing to the code may indicate that fact on political advertising by including the following or a substantially similar statement:

**(Name of the candidate or political committee, as appropriate) subscribes to the Code of Fair Campaign Practices.**

## **VII. Special Notice to Political Subdivisions and School Districts.**

You may not use public funds or resources for political advertising. Please see our “Publications and Guides” section of our website for more information.

## **ROAD SIGNS**

### **I. When Is the “Right-Of-Way” Notice Required?**

All written political advertising that is meant to be seen from a road must carry a “right-of-way” notice. It is a criminal offense to omit the “right-of-way” notice in the following circumstances:

1. if you enter into a contract or agreement to print or make written political advertising meant to be seen from a road; or
2. if you instruct another person to place the written political advertising meant to be seen from a road.

### **II. What Should the “Right-Of-Way” Notice Say?**

Section 259.001 of the Texas Election Code prescribes the exact language of the notice:

**NOTICE: IT IS A VIOLATION OF STATE LAW (CHAPTERS 392 AND 393, TRANSPORTATION CODE) TO PLACE THIS SIGN IN THE RIGHT-OF-WAY OF A HIGHWAY.**

### **III. Do Yard Signs Have to Have the “Right-Of-Way” Notice?**

Yes. The “right-of-way” notice requirement applies to signs meant to be seen from any road. The notice requirement assures that a person responsible for placing signs is aware of the restriction on placing the sign in the right-of-way of a highway.

### **IV. What About Bumper Stickers?**

Bumper stickers do not need the “right-of-way” notice. They do, however, need a political advertising disclosure statement.

### **V. Where May I Place My Signs and How Long May Signs Be Posted?**

For information about exactly where you may or may not place signs, or for information regarding the length of time your signs may be posted, check with your city or county government or your homeowner’s association. The Texas Ethics Commission does not have

jurisdiction over matters involving the location of signs, and the length of time that they may be posted.

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## MISREPRESENTATION

### I. Are There Restrictions on the Contents of Political Advertising?

Political advertising and campaign communications may not misrepresent a person’s identity or official title, nor may they misrepresent the true source of the advertising or communication. The election law does not address other types of misrepresentation in political advertising or campaign communications.

Note that the misrepresentation rules apply to both political advertising and campaign communications. “Campaign communication” is a broader term than “political advertising.”

A “campaign communication” means “a written or oral communication relating to a campaign for nomination or election to public office or office of a political party or to a campaign on a measure.”

### II. Misrepresentation of Office Title.

A candidate may not represent that he or she holds an office that he or she does not hold at the time of the representation. **If you are not the incumbent in the office you are seeking, you must make it clear that you are seeking election rather than reelection by using the word “for” to clarify that you don’t hold that office.** The word “for” must be at least one-half the type size as the name of the office and should appear immediately before the name of the office. For example, a non-incumbent may use the following formats:

**Vote John Doe  
for Attorney General**

**John Doe  
For  
Attorney General**

A non-incumbent may not be allowed to use the following verbiage:

**Elect John Doe  
Attorney General**

**John Doe  
Attorney General**

### **III. Misrepresentation of Identity or Source.**

A person violates the law if, with intent to injure a candidate or influence the result of an election, the person misrepresents the source of political advertising or a campaign communication or if the person misrepresents his or her own identity or the identity of his or her agent in political advertising or in a campaign communication. (If someone else is doing something for you, that person is your agent.) For example, you may not take out an ad in favor of your opponent that purports to be sponsored by a notoriously unpopular group.

### **IV. Use of State Seal.**

Only current officeholders may use the state seal in political advertising.

### **V. Criminal Offenses.**

Be aware that many violations of the Election Code are criminal offenses. For example, unlawfully using public funds for political advertising can be a Class A misdemeanor. So can misrepresenting one's identity or office title in political advertising. For more details on these offenses and political advertising in general, see [Chapter 255 of the Election Code](#).

**HOME RULE CHARTER**  
**FOR THE**  
**CITY OF LITTLEFIELD, TEXAS**  
**May 10, 2016**

**PREAMBLE**

We, the citizens of Littlefield, Texas, in order to establish a home rule municipal government, provide for the future progress of our City and obtain more fully the benefits of local self-government, do hereby adopt this Home Rule Charter in accordance with the statutes of the State of Texas; and do hereby declare the residents of the City of Littlefield in Lamb County, Texas, living within the legally established boundaries of the said City, to be a political subdivision of the State of Texas incorporated forever under the name and style of the “City of Littlefield” with such powers, rights and duties as are herein provided.

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**ARTICLE 1**

**THE  
CITY**

**SECTION 1.01 INCORPORATION**

The inhabitants of the City of Littlefield, within the corporate limits as now established or as hereafter established in the manner provided by law, shall continue to be a municipal body politic and corporate in perpetuity, under the name of the “City of Littlefield.”

**SECTION 1.02 DELETED**

**SECTION 1.03 BOUNDARIES**

**A. Boundaries**

The City Council shall have the power, by ordinance, to fix the boundary limits of the City of Littlefield; and to provide for the alteration and the extension of said boundary limits, and the annexation of additional territory lying adjacent to the city, with or without the consent of the territory and inhabitants annexed, detached, or disannexed. The City’s power of annexation shall be conducted in accordance with applicable state law or ordinance. The boundaries of the City shall be those established by ordinance of the City Council enacted in accordance with the procedures provided for in federal, state or other law. The City Secretary shall keep a correct and complete description of the City boundaries, indicating all annexations, detachments, and disannexations.

**SECTION 1.04 FORM OF GOVERNMENT - COUNCIL-MANAGER**

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, the laws of the State of Texas, 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 employ 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, or by the constitution and laws of the State of Texas.

**SECTION 1.05 POWERS OF THE CITY - GENERAL POWERS**

SECTION 1. The said City of Littlefield shall have power to ordain and establish such acts, laws, rules, regulations, resolutions, and ordinances, not inconsistent with the Constitution and laws of Texas and of this Charter, as shall be needful for the government, interests, health, welfare and good order of said City and its inhabitants. Under the name of the City of Littlefield it shall be known in law and have succession and be capable of contracting and being contracted with, suing and being sued, impleading and being impleaded, answering and being answered unto, in all courts and tribunals, and in all amounts whatsoever, subject to the laws of the State of Texas, or which shall hereafter be passed.

The City of Littlefield shall have the power to take, hold, lease, grant, purchase and convey such real property or mixed property or estate, situated within, or without, the limits thereof, as the purpose of said corporation may require and shall have and use a corporate seal, and change and renew the same at pleasure.

SECTION 2. Rights Reserved - All suits, taxes, penalties, fines, forfeiture, and all other rights, claims and demands, of every kind and character, which have accrued under the laws in favor of said city, heretofore in force governing the same, shall belong to and vest in said city and shall not abate by reason of the adoption of this Charter, and shall be prosecuted and collected for the use and benefit of said City of Littlefield and shall not be in any manner affected by the taking effect of this charter; but as to all of such rights, the laws under which they shall have accrued shall be deemed to be in full force and effect.

SECTION 3. Local Self-Government - The City of Littlefield shall possess and may exercise the full power of local self-government. It may hold, by gift, deed, devise, or otherwise, any character of property, including any charitable or trust fund, and subject to and within the limits of superior law may act in perpetual succession as a body politic.

SECTION 4. For greater certainty, the following are hereby especially enumerated and referred to as being among the other powers which are hereby conferred upon and which may be exercised by the City of Littlefield, to-wit:

A. All of the powers conferred upon cities and towns by Title 22 of the Revised Civil Statutes of Texas, 1911, except as may hereafter be denied, limited or extended, are hereby conferred upon the City of Littlefield as fully and completely as if such powers were herein separately enumerated.

B. All powers, privileges and immunities conferred upon cities of more than five thousand inhabitants, by Section 4 of Chapter 147, Acts of the 33rd Legislature, General Laws Regular Session, at Page 310 to 316, entitled, "An Act Authorizing Cities Having More Than Five Thousand Inhabitants, by a Majority Vote of the Qualified Voters of said City, at an Election Held for the Purpose to Adopt and Amend their Charters, etc; and such powers are hereby conferred upon the City of Littlefield as fully and completely as if each of said mentioned powers were herein separately enumerated; but enumeration of special powers herein, or in the Statutes referred to, shall not be held or construed to preclude the city from exercising all powers of local government not inhibited by the Constitution and Laws of the State of Texas, or by special limitations in this Charter contained, the purpose of this Charter being to enlarge upon the power extended by the general laws of cities incorporated thereunder, and to secure to the City of Littlefield, all the powers conferred by the Constitution and Laws of this State upon cities having more than five thousand inhabitants.

## **SECTION 1.06      EMINENT DOMAIN**

The city shall have the full power and right to exercise the power of eminent domain when necessary or desirable to carry out any of the powers conferred upon it by this charter or by the constitution and laws of the State of Texas. The city may exercise the power of eminent domain in any manner authorized or permitted by the constitution and laws of this state. The power of eminent domain hereby conferred shall include the right of the city to take the fee in land so condemned and such power and authority shall include the right to condemn public property for such purposes. The city shall have and possess the power of condemnation for any municipal or public purposes even though not specifically enumerated in

this charter.

**SECTION 1.07 DELETED**

**ARTICLE 2**

**THE COUNCIL**

**SECTION 2.01 GOVERNING BODY**

The governing and lawmaking body of the City of Littlefield shall consist of four council members and a mayor, and said body shall be known as the “City Council of the City of Littlefield.”

**SECTION 2.02 ELECTIVE OFFICERS**

The members of the City Council of the City of Littlefield shall be the only elected officers and shall hold office and receive compensation as stipulated herein.

**SECTION 2.03 MAYOR PRO TEM**

The city council shall elect from its members a mayor pro tem which shall be a council member elected by the council at the first regular council meeting following each regular city election. The mayor pro tem shall serve as mayor during the disability or absence of the mayor and in this capacity shall have the rights and duties conferred upon the mayor.

**SECTION 2.04 QUALIFICATIONS**

Each member of the city council shall meet the qualifications detailed in Section 11.02 of this Charter, shall be a citizen of the United States of America and a resident citizen of the City of Littlefield, and shall be a qualified voter of Texas, and shall have been such a resident citizen of the City of Littlefield for a period of not less than six (6) months immediately preceding such election; shall not hold another public office or employment for which compensation is paid by the City of Littlefield; provided, however, that any person with the above qualifications, except as to residence, who shall have been a resident citizen for a period of six (6) months immediately preceding his election, of any territory not formerly within the corporate limits of said city, or a resident citizen of such territory and/or the City of Littlefield, which territory has been annexed under the provisions of this charter, may be elected to said office.

**SECTION 2.05 TERM OF OFFICE**

The mayor shall be elected for a term of two years; council members shall be elected from single member districts for terms of two years each. At the time set for the candidate filing deadline and during their terms, each council member must reside within his respective single member district. Only qualified voters residing within a single member district are eligible to vote for the candidates for that single member district position on the council. The mayor shall continue to be elected at large. Further, the term of the office shall be in accordance with the judgment entered in the case of Salinas, et al v. The

City of Littlefield, Cause No. 5-85-260, in the United States District Court for the Northern District of Texas, Lubbock Division.

**SECTION 2.06      COMPENSATION OF MEMBERS OF CITY COUNCIL**

The council shall have the authority to designate their respective salaries but no salaries so set shall exceed the following compensation:

- A.     For Mayor, per month                      \$200.00
- B.     For Council Members, per month     \$150.00

Each member of the city council shall be entitled to all necessary expenses, in addition to his salary, incurred in the performance of their official duties.

**SECTION 2.07      POWERS OF THE CITY COUNCIL**

All powers of the city and the determination of all matters of policy shall be vested in the council. Without limitation of the foregoing, and among the other powers that may be exercised by the council, the following are hereby enumerated for greater certainty:

- A.     To appoint and remove the city manager.
- B.     To establish other administrative departments and distribute the work of divisions and to abolish or consolidate said departments and divisions.
- C.     Adopt the budget of the City of Littlefield.
- D.     Inquire into the conduct of any officers, departments or agency of the city and make investigations as to municipal affairs.
- E.     To appoint the necessary commissions and boards to assist the council in the performance of its duties and responsibilities, such powers subject to the restrictions of this charter and the laws of the State of Texas.
- F.     Adopt plats.
- G.     Adopt and modify the official map of the city.
- H.     Authorize the issuance of bonds by a bond ordinance.
- I.     Adopt and modify the zoning plan and the building code of the City.
- J.     Provide for an independent yearly audit.
- K.     Fix salaries and compensation of non-elective city offices and employees.

- L. Acquire, establish, own, lease and/or operate a municipal airport.
- M. Compromise and settle any and all claims and lawsuits of every kind and character in favor of or against the City.

**SECTION 2.08 VACANCIES**

A vacancy occurring in the council, including the office of mayor, shall be filled by a person having the qualifications of an elective official of the city and selected in the following manner: If a single vacancy occurs and the council member's seat which is vacated has less than one year remaining, then the council may appoint a successor to serve the remainder of the term. If the position that is vacated has more than one year remaining, then the council shall appoint a successor to serve until the next regular city election at which time the position will be placed on the ballot for the unexpired term. If two or more vacancies occur at one time, a special election shall be called by the remaining members of the council in accordance with the Election Code to fill the vacancies for the unexpired terms.

**SECTION 2.09 MEETING OF THE COUNCIL**

The city council shall hold at least one regular meeting in each month, at a time to be fixed by it for such regular meetings, and may hold as many additional regular or emergency meetings during the month as may be necessary for the transaction of the business of the city and its citizens. All meetings of the City Council must be conducted in accordance with the Texas Open Meetings Act, as amended, or successor statute.

**SECTION 2.10 VOTING POWERS OF THE COUNCIL**

In all matters of consideration before the city council, equal voting powers are hereby bestowed upon the mayor and each council member. The mayor shall vote on each issue along with the council members and a majority vote of the city council shall determine the outcome of the question.

**SECTION 2.11 NEPOTISM**

The City of Littlefield shall comply with the state nepotism laws which provide as to which persons are not qualified to be appointed to any office, position, or clerkship or other service of the city.

**ARTICLE 3 DEPARTMENT OF LAW**

**SECTION 3.01 CITY ATTORNEY**

The City Council shall appoint an attorney, licensed by the State of Texas, to be the City Attorney. The City Attorney shall be entitled to compensation for services as established by the Council and shall serve at the pleasure of the Council. The City Attorney, or other attorneys selected by the City Attorney with the approval of the Council, shall represent the City in all litigation. The City Attorney shall be the legal advisor to the City and counsel for the City and all its officers and departments in the conduct of City business.

**SECTION 3.02            MUNICIPAL COURT - CREATION AND JURISDICTION - FINES**

There shall be established and maintained a court designated as a municipal court for the trial of misdemeanor offenses, with all such powers and duties as are now or hereafter may be prescribed by the laws of the State of Texas relative to municipal courts.

**SECTION 3.03            JUDGE OF THE MUNICIPAL COURT**

The municipal court shall be presided over by a judge who shall be known as the “Judge of the Municipal Court;” who shall be a qualified voter of the City of Littlefield and who shall be appointed by a majority vote of the council for a definite period of time not less than two years and not more than four years, at such salary as may be fixed by the council. The salary and the period for which the judge is appointed shall be fixed by the council at the time of his appointment. He cannot be discharged by the council during such period except for malfeasance in office, conviction of a felony or conviction of a misdemeanor involving moral turpitude, nor may the council reduce his compensations fixed for his tenure of service during the term for which he was appointed.

The City Council by ordinance may provide for the appointment of one (1) or more judges to serve if the regular judge, the presiding judge, or an associate judge is temporarily unable to act. There shall be a clerk of said court appointed by the City Manager.

There shall be a clerk of said court appointed by the City Manager.

**SECTION 3.04            DUTIES AND PROCEDURES OF MUNICIPAL COURT**

The judge and clerk of said court shall have the power to administer oaths and affidavits, make certificates, affix the seal of said court thereto, and generally do and perform any and all acts usual and necessary by judges and clerks of courts in issuing process of said courts and conducting business thereof. The city secretary or his deputy shall be ex-officio clerk of said court.

**SECTION 3.05            FINES**

All costs, fees, special expenses and fines collected by the municipal court, or by any court in case appealed from municipal court, shall be paid to the city treasury for the use and benefit of the city, except as otherwise required by state law.

**ARTICLE 4 ADMINISTRATION**

**SECTION 4.01            CITY MANAGER**

**A.            Appointment and Qualifications**

The Council shall, upon approval of a majority of the full City Council, appoint a City Manager who shall be the chief administrative and executive officer of the City, and shall be responsible to the Council for the administration of the affairs of the City. The City Manager shall be chosen by the Council solely on the basis of executive and administrative training, experience, and ability. Within 90 days of his/her appointment as City

Manager, the newly appointed City Manager shall be a resident of the City of Littlefield. No member of the Council shall, during the time for which he or she is elected, nor for one (1) year thereafter, be appointed City Manager. For the purposes of this Section 4.01, the term “full City Council” shall mean attendance of all sitting members of the City Council.

**B. Term and Salary**

Except as may be modified by an Employment Contract entered into between the City and the City Manager, the following provisions apply to the term and compensation of the City Manager: The City Manager shall be appointed for an indefinite term and receive compensation as may be fixed by the Council. The Council may by affirmative vote of a majority of the full City Council take action to remove the Manager from office. The action of the Council in removing the Manager shall be final; it being the intention of this Charter to vest all authority and fix all responsibility for such removal in the City Council.

**C. Temporary Absence or Disability of City Manager**

The City Manager may, by letter filed with the City Secretary and subject to approval by the City Council, designate a qualified City administrative officer to be Acting City Manager during the temporary absence or disability of the Manager. If the City Manager fails to make such designation or if the Council chooses to revoke such designation, the Council may appoint an Acting City Manager to serve during such time. The Council may remove an Acting City Manager at any time.

**D. Powers and Duties of the City Manager**

The City Manager shall be the chief executive officer of the city, responsible to the council for the management of all city affairs placed in the manager’s charge by or under this Charter. The City Manager shall:

- (1) Appoint and suspend or remove all city employees and appointive administrative officers provided for, by, or under this Charter, except as otherwise provided by law, this Charter or personnel rules adopted pursuant to this Charter. The City Manager may authorize any administrative officer subject to the City Manager’s direction and supervision to exercise these powers with respect to subordinates in that officer’s department, office, or agency;
- (2) Direct and supervise the administration of all departments, offices, and agencies of the city, except as otherwise provided by this Charter or by law;
- (3) Attend all City Council meetings, except when excused by the Mayor. The City Manager shall have the right to take part in discussion but shall not vote;
- (4) See that all laws, provisions of this Charter, and acts of the City Council, subject to enforcement by the City Manager or by employees or officers subject to the City Manager’s direction and supervision, are faithfully executed;

- (5) Prepare and submit the annual budget and capital program to the City Council and implement the final budget and capital program approved by the City Council to achieve the goals of the city;
- (6) Submit to the City Council and make available to the public a complete report on the finances and administrative activities of the city as of the end of each fiscal year;
- (7) Make such other reports as the City Council may require concerning the operations of the City;
- (8) Keep the City Council fully advised as to the financial condition and future needs of the city;
- (9) Make recommendations to the City Council concerning the affairs of the city and facilitate the work of the City Council in developing policy;
- (10) Provide staff support services for the mayor and councilmembers; and
- (11) Assist the council to develop long term goals for the city and strategies to implement these goals;
- (12) Encourage and provide staff support for regional and intergovernmental cooperation;
- (13) Promote partnerships among council, staff, and citizens in developing public policy and building a sense of community;
- (14) To execute, on behalf of the City, standard form documents, including but not limited to, deeds, releases of liens, rental agreements, easements, right-of-way agreements, joint use agreements, loan documents, and other similar documents, under the following conditions:
  - (a.) The execution of the document is necessary to carry out a public works project; utilize, maintain or improve a City facility, street, right-of-way, easement, park or other City property, or to implement other City policies; provided that such project, program or policy has been approved by the City Council; and
  - (b.) That all blanks are filled in on any document correctly and that such document is consistent with the objectives approved by the City Council; and
- (15) Perform such other duties as are specified in this Charter or may be required by the City Council.

#### **SECTION 4.02 CITY SECRETARY**

The City Manager shall appoint, subject to approval by the City Council, a City Secretary for an indefinite term unless excused by the council for good cause, the City Secretary shall attend all meetings of the City Council and keep accurate minutes of its proceedings. The City Secretary shall preserve and keep in order all books, papers, documents, records, and files of the City Council and of the Executive

Departments. The City Secretary shall keep a record of all commissions and licenses issued and shall countersign same. The City Secretary shall have custody of the seal of the City and shall perform such other duties as the City Manager shall assign or as elsewhere provided for in this charter or as required by law. The City Secretary may be removed from office by the City Manager, subject to approval by a majority of the City Council.

**SECTION 4.03 DEPARTMENT OF POLICE**

There shall be established and maintained a department of police to preserve order within the city and to secure the residents of said city from violence and the property therein from injury or loss.

**A. Chief of Police**

The chief of police shall be the chief administrative officer of the department of police. Such officer shall, with the approval of the City Manager, appoint and remove the employees of said department and shall perform such duties as may be required of him by the City Council. The chief of police shall be appointed by the City Manager with the approval of a majority vote of the City Council for a term at will. The chief of police may be terminated from his appointment by the City Manager with approval of a majority vote of the City Council, or the chief of police may be terminated from his appointment by a majority vote of the City Council.

**SECTION 4.04 DELETED**

**SECTION 4.05 DEPARTMENT OF FIRE**

The City shall provide fire protection services to the residents of the City. The City shall provide such fire protection services either by the establishment and maintenance of a Department of Fire or by contract with another fire department, organization, or corporation, whether paid or volunteer.

**A. Fire Chief**

The Fire Chief shall be the Chief Administrative Office of the Department of Fire at all times when the City has established and is maintaining a Department of Fire. Such Officer shall, with the approval of the City Manager, appoint and remove the employees and volunteers of said department and shall perform such duties as may be required by him or by the City Council.

**SECTION 4.06 OTHER DEPARTMENTS**

The city council may abolish or consolidate such offices and departments as it may deem to be in the best interest of the city, and may divide the administration of any such departments as it may deem advisable; may create new departments, and may discontinue any offices or departments at its discretion, except those specifically established by this charter.

## **ARTICLE 5**

### **THE BUDGET**

#### **SECTION 5.01 FISCAL YEAR**

The fiscal year of the city government shall begin on the first day of October and shall end on the last day of September of each calendar year. Such fiscal year shall also constitute the budget and accounting year.

#### **SECTION 5.02 PREPARATION AND SUBMISSION OF BUDGET**

The city manager, at least ninety days prior to the beginning of each budget year, shall prepare or cause to be prepared a proposed budget and an explanatory budget message in the form and with the contents provided by sub-paragraphs “A” through “O” of Section 5.12. For such purpose, at such dates as he shall determine, he or an officer designated by him shall obtain from the head of each office, department or agency estimates of revenue and expenditure of that office, department or agency, detailed by organization units and character and object of expenditure, and such other supporting data as he may request. In preparing the budget, the city manager shall review the estimates, shall hold hearings thereon, and may revise the estimates as he may deem advisable.

#### **SECTION 5.03 BUDGET A PUBLIC RECORD**

The budget and budget message and all supporting schedules shall be a public record in the office of the city secretary open to public inspection by anyone.

#### **SECTION 5.04 PUBLICATION OF NOTICE OF PUBLIC HEARING**

At a meeting of the City Council at which the budget and budget message are submitted, the City Council shall fix the time and place of a public hearing on the budget and shall cause a notice of the public hearing to be published in the official newspaper of the City of Littlefield as required by state statute.

#### **SECTION 5.05 PUBLIC HEARING ON BUDGET**

At the time and place so advertised, or at any time and place to which such public hearing shall from time to time be adjourned, the council shall hold a public hearing on the budget submitted, at which all interested persons shall be given an opportunity to be heard, for or against the estimates of any item thereof.

#### **SECTION 5.06 VOTE REQUIRED FOR ADOPTION**

The budget shall be adopted by the favorable votes of at least a majority of all members of the whole city council.

#### **SECTION 5.07 DATE OF FINAL ADOPTION - FAILURE TO ADOPT**

The City Council shall adopt the budget on or before the last day of the last month of the current fiscal year. If the City Council fails to adopt the budget by this date, the then existing budget together with its tax-levying ordinance and its appropriation ordinance, shall be deemed adopted for the ensuing fiscal year.

**SECTION 5.08 EFFECTIVE DATE OF BUDGET - CERTIFICATION - COPIES MADE AVAILABLE**

Upon final adoption, the budget shall be in effect for the fiscal year. A copy of the budget, as finally adopted, shall be filed with the City Secretary. The City shall comply with any other filings as required by state law. The final budget shall be printed and copies shall be made available for the use of all offices, and the general public in accordance with applicable state statute.

**SECTION 5.09 BUDGET ESTABLISHES APPROPRIATIONS**

Upon approval of the budget, the appropriations stated therein for each department shall remain as budgeted, except that at any time during the fiscal year the City Council may by resolution transfer part or all of any unencumbered appropriation balances among programs within an office, department or agency, or may by resolution transfer part or all of the unencumbered appropriation balance from one office, department or agency to the appropriations for other offices, departments or agencies.

**SECTION 5.10 BUDGET ESTABLISHES AMOUNT TO BE RAISED BY PROPERTY TAX**

From the effective date of the budget, the amount stated therein as the amount to be raised by property tax shall constitute a determination of the amount of the levy for the purposes of the city in the corresponding tax year.

**SECTION 5.11 BUDGET MESSAGE - CURRENT OPERATIONS**

The budget message shall be explanatory of the budget. It shall contain an outline of the proposed financial policies of the city for the budget year and shall describe in connection therewith the important features of the budget plan. It shall set forth the reasons for salient changes from the previous year in expenditure and revenue items and shall explain any major changes in financial policy.

**SECTION 5.12 CONTENTS OF BUDGET**

The budget shall provide a complete financial plan for the fiscal year. It shall contain the following:

- A. A budget message.
- B. A consolidated statement of receipts and expenditures for all funds.
- C. An analysis of property valuations.
- D. An analysis of tax rate.

- E. Tax levies and tax collections by years for at least ten years or for the number of years for which records are available.
- F. General fund resources in detail.
- G. Summary of proposed expenditures by function, department and activity.
- H. Summary of proposed expenditures by character and object.
- I. Detailed estimates of expenditures shown separately for each activity to support the summaries Nos. "G" and "H" above. Such estimates of expenditures are to include an itemization of positions showing the number of persons having each title and the rate of pay.
- J. A revenue and expense statement for all types of bonds.
- K. A description of all bonds issues outstanding, showing rate of interest, date of issue, maturity date, amount authorized, amount issued, and amount outstanding.
- L. A schedule of requirements for the principal and interest on each issue of bonds.
- M. A special funds section.
- N. The appropriation ordinance.
- O. The tax levying ordinance.

The total estimated expenditures of the general fund and debt service fund shall not exceed the total estimated resources of each fund (prospective income plus cash on hand).

### **SECTION 5.13 ANTICIPATED REVENUES COMPARED WITH OTHER YEARS**

In parallel columns opposite the several items of revenue, there shall be placed the actual amount of such items for the last completed fiscal year, the estimated amount for the current fiscal year, and the proposed amount for the ensuing budget year.

### **SECTION 5.14 PROPOSED EXPENDITURES - COMPARISON WITH OTHER YEARS**

The proposed expenditures for the administration, operation, maintenance, and capital outlay of each office, department or agency of the city shall be itemized by character and object, in parallel columns opposite the various items of expenditures for the last completed fiscal year, the estimated amount for the current fiscal years and the proposed amount for the ensuing budget year.

### **SECTION 5.15 CONTINGENT APPROPRIATIONS**

A contingency appropriation is allowed as authorized by law for unforeseen items of expenditures.

## **ARTICLE 6**

### **BORROWING FOR CAPITAL IMPROVEMENTS**

#### **SECTION 6.01 GENERAL OBLIGATION BONDS**

The city shall have the power to borrow money on the credit of the city and to issue general obligation bonds for the acquisition of property for permanent public improvements or for any other public purpose not now or hereafter prohibited by the constitution and laws of the State of Texas. Except for the refunding of bonds previously issued, any proposition to borrow money and to issue such bonds shall first be approved by a majority of the qualified electors voting at an election called for the purpose of authorizing the issuance of such indebtedness. The resolution calling such election and the manner of conducting the election shall conform in all respects to the General Laws of the State of Texas.

#### **SECTION 6.02 REVENUE BONDS**

The city shall have the power to borrow money for the purpose of constructing, purchasing, improving, extending, or repairing of public utilities, recreational facilities or facilities for any other self-liquidating municipal function not now or hereafter prohibited by any general law of the state, and to issue revenue bonds to evidence the obligation created thereby. Such bonds shall be a charge upon, and payable solely from, the properties, or interest therein, acquired and the income therefrom, and shall never be a debt of the city. The council shall have authority to provide for the terms and form 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 6.03 SALE OF BONDS**

No bond issued by the city shall be sold for less than par value and accrued interest, nor shall any bonds, except refunding bonds, be sold until bids, submitted in response to public advertisement therefore, have been received and considered by the council. Refunding bonds may be sold by negotiation without public advertisement. The council shall have the right to reject any or all bids. Proceeds from the sale of bonds may be invested in direct obligations of the United States Government, maturing at such times as the council deems appropriate.

#### **SECTION 6.04 SINKING FUND**

It shall be the duty of the council to levy an annual tax sufficient to pay the interest on and provide the necessary sinking fund required by law on all outstanding general obligation bonds of the city. The interest and sinking fund shall be deposited in a separate account and shall not be diverted to or used for any other purpose than to pay the interest and principal on such bonds. The sinking fund maintained for the redemption of any debt may be invested in any interest bearing bonds of the United States Government, the State of Texas, the County of Lamb, or the City of Littlefield.

#### **SECTION 6.05 UNLAWFUL TO DIVERT INTEREST OR SINKING FUND**

Any officer of the city who shall divert or use the interest or sinking funds for any purpose except that for which the fund is created or is expressly authorized to be invested shall be liable and responsible to the City of Littlefield in the full amount of such diversion and/or use, with lawful interest, and in case such diversion or use is made or participated in by more than one officer of the city, the liability and responsibility therefore shall be joint and several.

## **ARTICLE 7**

### **DEPARTMENT OF FINANCE**

#### **SECTION 7.01      ACCOUNTING PROCEDURE**

The city manager shall have charge of the administration of the financial affairs of the city, and to that end he shall have authority and shall be required to:

- A. Supervise and be responsible for the disbursement of all monies and have control over all expenditures to ensure that budget appropriations are not exceeded.
- B. Maintain a general accounting system for the city government and each of its departments, offices and agencies which will truly reflect the current financial position of the city in line with accepted principles of modern municipal accounting.
- C. Submit to the council a monthly statement of all receipts and disbursements in sufficient detail to show the exact financial condition of the city.
- D. Cause to be prepared, as of the end of each fiscal year, a complete financial statement and report.
- E. Cause the assessment of all property within the corporate limits of the city for taxation, ensure that all special assessments for the City government happen, that tax maps are prepared, and ensure that such notice of taxes and special assessments as may be required by law are given.
- F. Cause to be collected all taxes, special assessments, license fees and other revenues of the city or for whose collection the city is responsible and receive all money receivable by the city from the State or Federal Government, or from any court, or from any office, department or agency of the city.
- G. Designate the city treasurer, with the approval of the city council, who shall have custody of all public funds belonging to or under the control of the city, or any office, department or agency of the city government, and deposit all funds coming into his hands in such depositories as may be designated by resolution of the council, subject to the requirements of law as to surety and the payment of interest of deposits, but all such interest shall be the property of the city and shall be accounted for and credited to the proper account; have custody of all investments and invested funds of the city government, or in possession of such government in a fiduciary capacity, and have the safekeeping of all bonds and notes of the city and the receipt and delivery of city bonds and notes for transfer, registration or exchange.
- H. Approve or disapprove all proposed expenditures, subject to limitations of the budget.

#### **SECTION 7.02      ACCOUNTING SUPERVISION AND CONTROL**

The city manager shall have power and shall be required to:

- A. Prescribe the forms, receipts, vouchers, bills or claims to be used by all the offices, departments and agencies of the city government.
- B. Examine and approve all contracts, having previously ascertained that monies have been appropriated and allotted and will be available when the obligation shall become due and payable.
- C. Audit and approve before payment all bills, invoices, payrolls and other evidences of claims, demands or charges against the city government and with the advice of the city attorney determine the regularity, legality and correctness of such claims, demands and charges.
- D. Inspect and audit any account or records of financial transactions which may be maintained in any office, department or agency of the city government apart from or subsidiary to the accounts kept in his office.

**SECTION 7.03      APPROPRIATIONS LAPSE AT END OF YEAR**

All appropriations shall lapse at the end of the budget year to the extent that they shall not have been expended or lawfully encumbered.

**SECTION 7.04      FEES SHALL BE PAID TO CITY GOVERNMENT**

All fees for city services received by any officer or employee shall belong to the city government and shall be paid to the department of finance at such times as required by the city manager. All persons whose duties require the handling of money shall be bonded in an amount that shall be determined by the council.

**SECTION 7.05      DIVISION OF PURCHASES**

The city manager shall be responsible for the purchasing, receiving, storage and issuance of all city supplies, materials, equipment, and other property, pursuant to the rules and regulations established by state law.

**SECTION 7.06      THE PROCEDURE FOR SALE OF CITY PROPERTY**

The City of Littlefield shall dispose of any property, equipment, supplies, or materials belonging to the city which the city council has decided is disposable. Such property shall be disposed of by a procedure as the city council directs at the time of authorizing the disposal of such equipment.

**SECTION 7.07      PURCHASING PROCEDURE**

Any purchase made or contract entered into by the City of Littlefield shall be in accordance with the laws of the State of Texas as the same now exist or as they may be amended from time to time, or as provided by City ordinance when not in conflict with State law.

**SECTION 7.08        CONTRACTS FOR CITY IMPROVEMENTS**

All public improvements shall be purchased and bid and contracted for in such amounts as required in conformity with state law. Alterations in any contract not to exceed 25% of the total contract may be made when authorized by the council, provided that such alteration is acceptable to the other contracting party.

**SECTION 7.09        WAREHOUSING**

The city manager shall keep or cause to be kept a perpetual inventory on all warehouse items, and such perpetual inventory shall be adjusted to a physical inventory which shall be made not less than one time during each fiscal year. Such physical inventory is to be made by a person other than the manager or his assistants as shall be designated by the city council. All shortages shall be promptly reported in writing by such person to the city council.

**SECTION 7.10        BONDING**

Any city employee may be bonded in an amount that shall be determined by the city council.

**SECTION 7.11        DISBURSEMENT OF FUNDS**

All checks, vouchers, or warrants for the withdrawal of money from the city depository shall be signed by the city manager and countersigned by the city treasurer. The mayor may sign or co-sign in the absence of the manager or treasurer.

**SECTION 7.12        BORROWING IN ANTICIPATION OF PROPERTY TAXES**

In any budget year, in anticipation of the collection of the property tax for such year, whether levied or to be levied in such year, the council may by resolution authorize the borrowing of money in a sum not in excess of the unencumbered net of anticipated tax receipts by the issuance of negotiable notes of the city, each of which shall be designated “Tax Anticipation Note for the Year 19\_” (stating the budget year). Such notes shall mature and be payable not later than the end of the fiscal year in which the original notes shall have been issued.

**SECTION 7.13        BORROWING IN ANTICIPATION OF OTHER REVENUES**

In any budget year, in anticipation of the collection or receipt of other revenues of that budget year, the council may by resolution authorize the borrowing of money in a sum not in excess of the unencumbered net of anticipated tax receipts by the issuance of negotiable notes of the city, each of which shall be designated “Special Revenue Note for the Year 19\_” (stating the budget 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 fiscal year in which the original notes shall have been issued.

**SECTION 7.14        SALES OF NOTES - REPORT OF SALE**

No note issued pursuant to this article shall be delivered for less than face value thereof.

**SECTION 7.15      PROHIBITION OF CERTAIN EXPENDITURES**

The city council shall have no power and is hereby restricted from issuing bonds or extending the credit of the City of Littlefield by expending any money for the purpose of paving streets or extending sewer lines to any new addition to the City of Littlefield until such times as, in the exclusive opinion of the city council, the usage of the paving and the estimated revenues from sewer charges shall be commensurate with the traffic on the streets and revenues from sewer charges in other sections of the city.

## **ARTICLE 8**

### **TAX ADMINISTRATION**

#### **SECTION 8.01 TAX AUTHORITY**

The city council shall have power to levy, for all city purposes, all taxes authorized by the constitution and the laws of the State of Texas including an ad valorem tax on real, personal, and mixed property within the territory of the City of Littlefield, that is not exempt from taxation by the constitution and laws of the State of Texas, based upon its true value as provided by law.

## **ARTICLE 9**

### **FRANCHISE AND PUBLIC UTILITIES**

#### **SECTION 9.01      FRANCHISE - POWER OF COUNCIL**

The city council shall have power by ordinance to grant, amend, renew, cancel for cause and extend all franchises of all public utilities of every character operating within the City of Littlefield, and for such purposes is granted full power to the extent allowed by applicable state law. All ordinances granting, amending, renewing, canceling for cause, or extending franchises for public utilities shall be passed as is hereinbefore provided for all other ordinances.

#### **SECTION 9.02      FRANCHISE VALUE NOT TO BE ALLOWED**

In fixing reasonable rates and charges for utility service within the city and in determining the just compensation to be paid by the city for public utility property which the city may acquire by condemnation or otherwise, nothing shall be included as the original value of any franchise granted by the city under this charter.

#### **SECTION 9.03      RIGHT OF REGULATIONS**

All grants, renewals, extensions, or amendments of public utility franchises, whether it be so provided in the ordinances or not, shall be subject to the right of the city:

- A. To repeal the same by ordinance at any time for failure to begin construction or operation within the time prescribed or otherwise to comply with the terms of the franchise, such power to be exercised only upon due notice and hearing.
- B. To require an adequate extension of plant and service and the maintenance of the plant and fixtures at the highest reasonable standard of efficiency.
- C. To establish reasonable standards of service and quality of products and prevent unjust discrimination in service or rates.
- D. To prescribe the form of accounts kept by each such utility; provided that if the utility shall keep its accounts in accordance with the uniform system of accounts for said utility prescribed by the National Association of Railroad and Public Utility Commissioners, the Federal Powers Commission, the Railroad Commission of Texas, the Federal Communication Commission, their Successor or Successors, this shall be deemed sufficient compliance with this paragraph. At any time to examine and audit the account and other records of any such utility and to require annual and other reports, including reports on local operations by each such public utility.
- E. To impose such reasonable regulations and restrictions as may be deemed desirable or conducive to the safety, welfare, and accommodation of the public.

- F. To, at any time, require such compensation and rental as may be permitted by the laws of the State of Texas.

**SECTION 9.04 CONSENT OF PROPERTY OWNERS**

The consent of abutting and adjacent property owners shall not be required for the construction, extension, maintenance or operation of any public utility; but nothing in this charter or any franchise granted, thereunder, shall ever be construed to give any such property owner of any right of action for damage or injury to his property as now or hereafter provided by law.

**SECTION 9.05 EXTENSIONS**

All extension of public utilities within the city limits shall become a part of the aggregated property of the public utility, shall be operated as such, and shall be subject to all the obligations and reserve rights, contained in this charter and in any original grant hereafter made. The right to use and maintain any extension shall terminate with the original grant and shall be terminable as provided in Section 9.03, Article 9. In case of an extension of a public utility operated under a franchise hereafter granted, such right shall be terminable at the same time and under the same conditions as the original grant.

**SECTION 9.06 OTHER CONDITIONS**

All franchises heretofore granted are recognized as contracts between the City of Littlefield and the grantee, and the contractual right as contained in any such franchise shall not be impaired by the provisions of this charter; except the general power of the city heretofore existing and herein provided for to regulate the rates and services of a grantee which shall include the right to require proper and adequate extension of plant and service and the maintenance of the plant and fixtures at the highest reasonable standard of efficiency. Every public utility franchise hereafter granted shall be held subject to all the terms and conditions contained in the various sections of this article whether or not such terms are specifically mentioned in the franchise. Nothing in this charter shall operate to limit, in any way as specifically stated, the discretion of the council or the electors of the city in imposing terms and conditions as may be reasonable in connection with any franchise grant.

**SECTION 9.07 FRANCHISE RECORDS**

Within six months after this charter takes effect every public utility franchise shall file with the city, as may be prescribed by ordinance, certified copies of all franchises owned or claimed or under which such utility is operated in the City of Littlefield. The city shall compile and maintain a public record of public utility franchises.

**SECTION 9.08 ACCOUNTS OF MUNICIPALLY-OWNED UTILITIES**

Accounts shall be kept for each public utility owned or operated by the city, in such manner as to show the true and complete financial results of such city ownership and operation, including all assets, appropriately subdivided into different classes, all liabilities subdivided by classes, depreciation reserve, other reserves, and surplus; also revenues, operating expenses including depreciation, interest payments, rental and other disposition of annual income. The accounts shall show the actual capital cost to the city

of each public utility owned, also the cost of all extensions, additions and improvements, and the source of the funds expended for such capital purposes. They shall show as nearly as possible the cost of any service furnished to or rendered by any such utility to any other city or governmental department. The council shall semi-annually cause to be made by a certified public accountant and shall publish a report showing the financial results of such city ownership and operation, giving the information specified in this section.

## **SECTION 9.09        REGULATIONS OF RATES AND SERVICES**

The city council shall have full power, after due notice and hearing, to regulate by ordinance the rates and service of every public utility operating in the City of Littlefield as such powers are conferred upon it by state statute.

## **ARTICLE 10**

### **PLANNING, ZONING, HOUSING, CITY DEVELOPMENT**

#### **SECTION 10.01 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, the density of population and the uses of buildings, structures and land for trade, industry, business, residence or other purposes. 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 situations and subject to such limitations as may be set forth in the ordinance.

#### **SECTION 10.02 PLANNING COMMISSION**

##### **A. ORGANIZATION**

A planning commission is hereby established which shall consist of five qualified voters of the City. The members of the commission shall be appointed by the city council for staggered terms of five years. The commission shall elect a chairperson from among its membership each year at the first regular meeting in August and shall meet no less than once each quarter. Any vacancy in an unexpired term shall be filled by the City Council for the remainder of the term.

##### **B. POWERS AND DUTIES**

###### **(a) The planning commission shall:**

(1) Review and make recommendations to the city council regarding the adoption and implementation of a comprehensive plan, any element or portion thereof, and any amendments thereto;

(2) Review and make recommendation to the city council on all proposals to adopt or amend land development regulations for the purpose of establishing consistency with the comprehensive plan;

(3) Monitor and oversee the effectiveness of the comprehensive plan, review and make recommendations to the council on any amendments to the plan, and forward to the council comprehensive updates to the plan at least once every five years;

(4) Review and make recommendations to the city council regarding zoning or requests for zoning changes in a manner to insure the consistency of any such zoning or changes in zoning with the adopted comprehensive plan;

(5) Exercise control over platting and subdividing land within the corporate limits and the extraterritorial jurisdiction of the city in a manner to insure the consistency of any such plats with the adopted comprehensive plan; and

(6) Review and make recommendation to the city council on the city's annual capital budget and any capital improvement bond program.

(b) The departments of the city government shall cooperate with the planning commission in furnishing it such information as is necessary in relation to its work.

(c) The commission shall be responsible to and act as an advisory body to the council and shall perform such additional duties and exercise such additional powers as may be prescribed by ordinance of the council.

**SECTION 10.03 DELETED**

## ARTICLE 11

### NOMINATIONS AND ELECTIONS

#### SECTION 11.01 CITY ELECTIONS

All City elections shall be conducted in accordance with the Texas Election Code as amended, and in accordance with the court order entered in the case styled, Salinas, et.al. v. The City of Littlefield, Cause No. 5-85-260, in the United States District Court for the Northern District of Texas, Lubbock Division.

#### SECTION 11.02 FILING FOR OFFICE

- a) Candidates for Mayor or Council Member shall file for office in accordance with the Texas Election Code, as amended.
- b) Candidates for Mayor or Council Member shall meet the following qualifications:
  - 1) Be a qualified voter in the City and State at the time of taking office;
  - 2) Be a resident of the City;
  - 3) Have resided continuously in the corporate limits of the City for 6 months immediately preceding the date of the election;
  - 4) Not be in violation of any provision in this Charter;
  - 5) Be 18 years of age or older on the first day of the term to be filled at the election; and
  - 6) Satisfy any other eligibility requirements prescribed by law for the office for which they are a candidate.
- c) No candidate for Mayor or Council Member may file in a single election for more than one (1) office or position as provided by this Charter.
- d) No employee of the City shall continue in any City employee position after filing for an elective office provided in this Charter.
- e) At the regular municipal election, the candidates for the office of Councilmembers, to the number to be elected, and for the office of Mayor, shall be elected by majority vote.

**SECTION 11.03 DELETED**

**SECTION 11.04 DELETED**

## ARTICLE 12

### INITIATIVE, REFERENDUM AND RECALL

#### SECTION 12.01 POWER OF INITIATIVE

The electors shall have power to propose any ordinance, except an ordinance appropriating money or authorizing the levy of taxes. The electors shall also have the power to adopt or reject the same at the polls, such power being known as the initiative. Any initiated ordinance may be submitted to the city council by a petition signed by qualified electors of the city equal in number to at least ten percent of the registered voters at the last regular municipal election.

### **SECTION 12.02 POWER OF REFERENDUM**

The electors shall have power to approve or reject at the polls any ordinance passed by the council, or submitted by the council to a vote of the electors except an ordinance making the annual tax levy or an ordinance authorizing the issuance of bonds which have been authorized by a vote of the people, or an ordinance or resolution authorizing the issuance of refunding bonds, such power being known as the referendum. Ordinances submitted to the council by initiative petition and passed by the council without change shall be subject to the referendum in the same manner as other ordinances. Within twenty (20) 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 (10) percent of the registered voters at the last preceding regular municipal election may be filed with the City Secretary, requesting that any such ordinance be either repealed or submitted to a vote of the electors.

### **SECTION 12.03 FORM OF PETITION**

Initiative petition papers shall contain the full text of the proposed ordinance. Each signer of any such petition paper shall sign their name in ink and shall indicate after their name their place of residence, and such other information required by State Law. Attached to each separate petition paper there shall be an affidavit of the circulator thereof that he, and he only, personally circulated the foregoing paper, that it bears a stated number of signatures, that all the signatures appended thereto were made in his presence, that he believes them to be the genuine signatures of the persons whose names they purport to be.

### **SECTION 12.04 FILING, EXAMINATION AND CERTIFICATION OF PETITIONS**

All petition papers comprising an initiative or referendum petition shall be assembled and filed with the City Secretary as one instrument. Within twenty (20) days after a petition is filed, the City Secretary 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. The City Secretary shall certify the results thereof to the council at its next regular meeting. If the City Secretary certifies the petition is insufficient he shall at once notify the committee of the petitioners of his findings. The committee may amend the petition in accordance with state law. The City Secretary shall in the next five (5) days after a permissible amendment or supplement determine if the amendment is in order and notify the committee of the petitioners of his findings. No further action shall be taken on an insufficient petition; the finding of the insufficiency of a petition shall not prejudice the filing of a new petition for the same purpose.

### **SECTION 12.05 CONSIDERATION BY COUNCIL**

Whenever the council receives a certified initiative or referendum petition from the City Secretary, it shall proceed at once to consider the petition, and the council shall take final action on the petition not

later than sixty (60) days after the petition was submitted to them.

**SECTION 12.06 SUBMISSION TO VOTERS**

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 therefore, or if the Council fails to repeal a referred Ordinance, the proposed or referred ordinance shall be submitted to the voters at the next available election date allowed by state law after the date the council takes its final vote thereon.

**SECTION 12.07 RESULTS OF ELECTION**

The results of the Election shall be timely canvassed by the council in accordance with state law. Initiative and referendum ordinances adopted or approved by the voters shall be published not more than one (1) week after such adoption and may be amended or repealed by the council, as in the case of other ordinances.

**SECTION 12.08 SCOPE OF RECALL**

Any elected city official, whether elected to office by the qualified voters of the city or elected by the city council to fill a vacancy, shall be subject to recall and removal from office by the qualified voters of the city on grounds of incompetency, misconduct or malfeasance in office.

**SECTION 12.09 PETITIONS FOR RECALL**

Before the question of recall of such officer shall be submitted to the qualified voters of the City, a Petition demanding such question to be so submitted shall first be filed with the person performing the duties of City Secretary; which said petition shall be signed by qualified voters of the City as follows: (i) Mayoral Recall, equal in number to at least thirty (30) percent of the number of votes cast at the last regular municipal election of the City, but in no event less than two-hundred and fifty (250) such petitioners; (ii) council member recall, equal in number to at least thirty (30) percent of the number of votes cast in that council member's district at the last regular municipal election. Each signer of such recall petition shall personally sign his name thereto in ink or indelible pencil, and shall write after his name his place of residence, giving name of street and number, or place of residence, and shall also write thereon the day, the month and year his signature was affixed, and other information as required by State Law.

**SECTION 12.10 FORM OF RECALL PETITION**

The recall petition mentioned above must be addressed to the City Council of the City of Littlefield, must distinctly and specifically point out the ground or grounds upon which such petition for removal is predicated, and, if there be more than one ground, such as for incompetency, misconduct or malfeasance in office, shall specifically state each ground with such certainty as to give the officer sought to be removed, notice of the matters and things with which he is charged. The signature shall be verified by oath in the following form:

STATE OF TEXAS §

COUNTY OF LAMB            §

I, \_\_\_\_\_, being first duly sworn on oath depose and say that I am one of the signers of the above petition; and that the statements made therein are true, and that each signature appearing thereto was made in my presence on the day and date it purports to have been made, and I solemnly swear that the same is the genuine signature of the person whose name it purports to be.

\_\_\_\_\_

Sworn and subscribed to before me this \_\_\_\_ day of \_\_\_\_\_, 19\_\_.

\_\_\_\_\_  
Notary Public in and for Lamb County, Texas

**SECTION 12.11      VARIOUS PAPERS CONSTITUTING PETITION**

The petition may consist of one or more copies, or subscription lists, circulated separately, and the signatures thereto may be upon the paper or papers containing the form of petition, or upon other papers attached thereto. Verifications provided for in the preceding section of this article may be made by one or more petitioners, and the several parts of copies of the petition may be filed separately and by different persons; but no signatures to such petition shall remain effective or be counted which are placed thereon more than forty-five (45) days prior to the filing of such petition or petitions with the person performing the duties of city secretary. All papers comprising a recall petition shall be filed with the person performing the duties of city secretary on the same day, and the said secretary shall immediately notify in writing the officer so sought to be removed by mailing such notice to his Littlefield, Texas address.

**SECTION 12.12      PRESENTATION OF PETITION TO CITY COUNCIL**

The City Secretary shall have twenty (20) days after the date of the filing of the papers constituting the Recall Petition to examine the papers to confirm or deny that all legal requirements for the Recall Petition are fully satisfied, and provided all legal requirements are fully satisfied, then the City Secretary shall present such petition to the City Council of the City of Littlefield at the next regular meeting of the City Council.

**SECTION 12.13      PUBLIC HEARING TO BE HELD**

The officer whose removal is sought may, within five (5) days after such recall petition has been presented to the city council, request that a public hearing be held to permit him to present facts pertinent to the charges specified in the recall petition. In this event, the city council shall order such public hearing to be held, not less than five (5) days nor more than fifteen (15) days after receiving such request for a public hearing.

**SECTION 12.14 ELECTION TO BE CALLED**

If the officer whose removal is sought does not resign, then it shall become the duty of the city council to order an election to be held upon the next available election date allowed by state law..

**SECTION 12.15 BALLOTS IN RECALL ELECTION**

Ballots used at recall elections shall conform to the following requirements:

- A. With respect to each person whose removal is sought, the question shall be submitted:  
“Shall (name of person) be removed from the office of (name of office) by recall?”
- B. Immediately below each such question there shall be printed the two following propositions, one above the other, in the order indicated:  
“FOR the recall of (name of person)”  
“AGAINST the recall of (name of person)”

**SECTION 12.16 RESULT OF RECALL ELECTION**

The council shall timely canvass the results of the election and declare the official results in accordance with state law. If a majority of the votes cast at a recall election shall be against the recall of the person named on the ballot, he shall continue in office for the remainder of his unexpired term, subject to recall as before. If a majority of the votes cast at such an election be for the recall of the person named on the ballot, he shall, regardless of any technical defects in the recall petition, be deemed removed from office, and the vacancy shall be filled as vacancies in the city council are filled, as provided in Section 2.07 of this charter.

**SECTION 12.17 RECALL, RESTRICTIONS THEREON**

No recall petition shall be filed against any officer of the City of Littlefield within six (6) months after his election nor within six (6) months after an election for such officer’s recall.

**SECTION 12.18 DELETED**

**SECTION 12.19 CONFLICTING REFERENDUMS**

At any referendum election if the provisions of two or more proposals approved at said election are inconsistent, the amendment receiving the highest number of votes shall prevail.

**SECTION 12.20 FREQUENCY OF PETITIONS**

If an initiative petition results in the passage of a measure in an election, then there shall be no further initiative or referendum election called on that subject for a period of two years. If an initiative or referendum measure fails to pass in an election, then there shall be no further election called on that subject for a period of four years.

**SECTION 12.21 RECALL OF ALL MEMBERS OF THE CITY COUNCIL**

When the recall of all members of the city council appears on the ballot, then the first proposition shall inquire whether to recall the named members, and a second proposition shall contain replacement candidate name or names for each city council position, including mayor if that office is also subject to recall at that election. The election of a replacement in proposition two is a nullity if the corresponding incumbent is not recalled in proposition number one.

**SECTION 12.22 RECALL OF SOME MEMBERS OF THE CITY COUNCIL**

When some but not all members of the council are subject to recall at an election, those members subject to recall shall not participate in the canvass of that election. The remaining member or members of the council who are not subject to recall shall constitute a quorum for purposes of canvassing the vote and, if necessary for filling any vacancy, as provided in Section 2.07 of this charter. A member who is not removed by recall may participate in filling a vacancy of another position.

**SECTION 12.23 AUTHORITY FOR NON-BINDING REFERENDUM**

The City Council may, upon its own accord and by a three-fourths majority vote, order an election for a non-binding referendum on a measure without an initiative or referendum petition from citizens.

**ARTICLE 13**

**GENERAL PROVISIONS**

**SECTION 13.01 PUBLICITY OF RECORDS**

The City shall comply with the Public Information Act of the State of Texas as may be amended from time to time, or successor statute.

**SECTION 13.02 PERSONAL INTEREST**

No officer or employee of the city shall have a financial interest, directly or indirectly, in the sale to the city of any land, or rights or interest in any land, materials, supplies, or services, except as authorized in accordance with the constitution and laws of the State of Texas.

**SECTION 13.03 PROVISION RELATING TO ASSIGNMENT, EXECUTION AND GARNISHMENT**

The property, real and personal, belonging to the city shall not be liable to be sold or appropriated under any writ of execution or cost bill. The funds belonging to the city, in the hands of any person, firm, or corporation, shall not be liable to garnishment, attachment, or sequestration; nor shall the city be liable to garnishment on account of any debt it may owe or funds or property it may have on hand or owing to any person. Neither the city nor any of its officers or agents shall be required to answer any writ of garnishment on any account whatever. The city shall not be obligated to recognize any assignment of

wages or funds by its employees, agents or contractors.

**SECTION 13.04 CITY NOT REQUIRED TO GIVE SECURITY OR EXECUTE BOND**

It shall not be necessary in any action, suit or proceeding in which the City of Littlefield is a party, for any bond, undertaking or security to be demanded or executed by or on behalf of said city in any of the state courts, but in all actions, suits, appeals, or proceedings same shall be conducted in the same manner as if such bond, undertaking or security had been given as required by law, and said city shall be just as liable as if security of bond had been duly executed.

**SECTION 13.05 SPECIAL PROVISIONS COVERING DAMAGE SUITS**

Before the city shall be liable to any damage claim or suit for personal injury, or damage to property, the person who is injured or whose property is damaged or someone in his behalf shall give the city manager or the person performing the duties of city secretary notice in writing after the occurrence of the alleged injury, or damage stating specifically in such notice when, where and how the injury or damage was sustained, and setting forth the extent of the injury or damage as accurately as possible. No action at law for damages shall be brought against the city for personal injury or damage to property prior to the expiration of thirty (30) days after the notice hereinbefore described has been filed with the city manager or the person performing the duties of city secretary, not later than two (2) years after the occurrence of the injury or damage to property. In case of injuries resulting in death, before the city shall be liable in damages therefore the person or persons claiming such damages shall after the death of the injured person give notice as above required in the case of personal injury. Provided, however, that nothing herein contained shall be construed to mean that the City of Littlefield waives any rights, privileges, defenses, or immunities in tort actions which are provided under the common law, the constitution and general laws of the State of Texas.

**SECTION 13.06 AMENDING THE CHARTER**

Amendments to this charter may be framed and submitted to the voters of the city in the manner provided by the laws of the State of Texas, as now or hereafter amended.

**SECTION 13.07 EFFECT OF THIS CHARTER ON EXISTING LAW**

All ordinances, resolutions, rules and regulations now in force under the City Government of Littlefield and not in conflict with the provisions of this charter, shall remain in force under this charter until altered, amended or repealed by the council after this charter takes effect; and all rights of the City of Littlefield, under existing franchises and contracts are preserved in full force and effect to the City of Littlefield.

**SECTION 13.08 SEPARABILITY CLAUSE**

If any section or part of section of this charter shall be held invalid by a court of competent jurisdiction, such holding shall not effect the remainder of this charter nor the context in which section or part of section so held invalid may appear except to the extent that an entire section or part of section may be inseparably connected in meaning and effect with the section or part of section to which such holding

shall directly apply.

**SECTION 13.09      RENUMBERING AND REARRANGEMENT**

The city council shall have the power, by ordinance, to renumber and rearrange all articles, sections, and paragraphs of this charter, or amendments thereto, as it shall deem appropriate; but, without changing the meaning or effect or any part hereof. Such will take effect upon the passage of any such ordinance, a copy thereof, certified by the city secretary, shall be forwarded to the Secretary of State.

**SECTION 13.10      REFERENCE TO STATE LAWS**

The city council shall also have the authority to change references to state law included in this charter to reflect a recodification or renumbering of such laws to the Texas legislature. Additionally, the state laws that are referred to in this charter are those laws that may now exist, or as they may hereinafter be amended, repealed, or modified.

**SECTION 13.11      GENDER**

Words of any gender used herein shall be held and construed to include any other gender, and words of singular number shall be held to include the plural, and vice versa, unless the context requires otherwise.