

**HOME RULE CHARTER
FOR THE
CITY OF LITTLEFIELD, TEXAS**

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.

TABLE OF CONTENTS

Article 1	1
SECTION 1.01 INCORPORATION	1
SECTION 1.02 DELETED	1
SECTION 1.03 BOUNDARIES	1
SECTION 1.04 FORM OF GOVERNMENT - COUNCIL-MANAGER	1
SECTION 1.05 POWERS OF THE CITY - GENERAL POWERS	1
SECTION 1.06 EMINENT DOMAIN	2
SECTION 1.07 DELETED	3
Article 2	3
SECTION 2.01 GOVERNING BODY	3
SECTION 2.02 ELECTIVE OFFICERS	3
SECTION 2.03 MAYOR PRO TEM	3
SECTION 2.04 QUALIFICATIONS	3
SECTION 2.05 TERM OF OFFICE	3
SECTION 2.06 COMPENSATION OF MEMBERS OF CITY COUNCIL	4
SECTION 2.07 POWERS OF THE CITY COUNCIL	4
SECTION 2.08 VACANCIES	5
SECTION 2.09 MEETING OF THE COUNCIL	5
SECTION 2.10 VOTING POWERS OF THE COUNCIL	5
SECTION 2.11 NEPOTISM	5
Article 3 DEPARTMENT OF LAW	5
SECTION 3.01 CITY ATTORNEY	5
SECTION 3.02 MUNICIPAL COURT - CREATION AND JURISDICTION - FINES	6
SECTION 3.03 JUDGE OF THE MUNICIPAL COURT	6
SECTION 3.04 DUTIES AND PROCEDURES OF MUNICIPAL COURT	6
SECTION 3.05 FINES	6
Article 4 ADMINISTRATION	6
SECTION 4.01 CITY MANAGER	6
SECTION 4.02 CITY SECRETARY	8
SECTION 4.03 DEPARTMENT OF POLICE	9
SECTION 4.04 DELETED	9
SECTION 4.05 DEPARTMENT OF FIRE	9
SECTION 4.06 OTHER DEPARTMENTS	9

Article 5	10
SECTION 5.01 FISCAL YEAR	10
SECTION 5.02 PREPARATION AND SUBMISSION OF BUDGET	10
SECTION 5.03 BUDGET A PUBLIC RECORD	10
SECTION 5.04 PUBLICATION OF NOTICE OF PUBLIC HEARING	10
SECTION 5.05 PUBLIC HEARING ON BUDGET	10
SECTION 5.06 VOTE REQUIRED FOR ADOPTION.....	10
SECTION 5.07 DATE OF FINAL ADOPTION - FAILURE TO ADOPT	10
SECTION 5.08 EFFECTIVE DATE OF BUDGET - CERTIFICATION - COPIES MADE AVAILABLE 11	
SECTION 5.09 BUDGET ESTABLISHES APPROPRIATIONS	11
SECTION 5.10 BUDGET ESTABLISHES AMOUNT TO BE RAISED BY PROPERTY TAX	11
SECTION 5.11 BUDGET MESSAGE - CURRENT OPERATIONS.....	11
SECTION 5.12 CONTENTS OF BUDGET	11
SECTION 5.13 ANTICIPATED REVENUES COMPARED WITH OTHER YEARS	12
SECTION 5.14 PROPOSED EXPENDITURES - COMPARISON WITH OTHER YEARS.....	12
SECTION 5.15 CONTINGENT APPROPRIATIONS	12
Article 6	13
SECTION 6.01 GENERAL OBLIGATION BONDS	13
SECTION 6.02 REVENUE BONDS	13
SECTION 6.03 SALE OF BONDS	13
SECTION 6.04 SINKING FUND	13
SECTION 6.05 UNLAWFUL TO DIVERT INTEREST OR SINKING FUND	13
Article 7	15
SECTION 7.01 ACCOUNTING PROCEDURE	15
SECTION 7.02 ACCOUNTING SUPERVISION AND CONTROL.....	15
SECTION 7.03 APPROPRIATIONS LAPSE AT END OF YEAR	16
SECTION 7.04 FEES SHALL BE PAID TO CITY GOVERNMENT	16
SECTION 7.05 DIVISION OF PURCHASES.....	16
SECTION 7.06 THE PROCEDURE FOR SALE OF CITY PROPERTY	16
SECTION 7.07 PURCHASING PROCEDURE	16
SECTION 7.08 CONTRACTS FOR CITY IMPROVEMENTS	16
SECTION 7.09 WAREHOUSING	17
SECTION 7.10 BONDING	17
SECTION 7.11 DISBURSEMENT OF FUNDS.....	17

SECTION 7.12	BORROWING IN ANTICIPATION OF PROPERTY TAXES	17
SECTION 7.13	BORROWING IN ANTICIPATION OF OTHER REVENUES	17
SECTION 7.14	SALES OF NOTES - REPORT OF SALE.....	17
SECTION 7.15	PROHIBITION OF CERTAIN EXPENDITURES	18
Article 8		19
SECTION 8.01	TAX AUTHORITY	19
Article 9		20
SECTION 9.01	FRANCHISE - POWER OF COUNCIL	20
SECTION 9.02	FRANCHISE VALUE NOT TO BE ALLOWED	20
SECTION 9.03	RIGHT OF REGULATIONS	20
SECTION 9.04	CONSENT OF PROPERTY OWNERS	21
SECTION 9.05	EXTENSIONS	21
SECTION 9.06	OTHER CONDITIONS	21
SECTION 9.07	FRANCHISE RECORDS	21
SECTION 9.08	ACCOUNTS OF MUNICIPALLY-OWNED UTILITIES	21
SECTION 9.09	REGULATIONS OF RATES AND SERVICES	22
Article 10		23
SECTION 10.01	ZONING	23
SECTION 10.02	PLANNING COMMISSION.....	23
SECTION 10.03	DELETED.....	24
Article 11		25
SECTION 11.01	CITY ELECTIONS.....	25
SECTION 11.02	FILING FOR OFFICE	25
SECTION 11.03	DELETED.....	25
SECTION 11.04	DELETED	25
Article 12		25
SECTION 12.01	POWER OF INITIATIVE	25
SECTION 12.02	POWER OF REFERENDUM	26
SECTION 12.03	FORM OF PETITION	26
SECTION 12.04	FILING, EXAMINATION AND CERTIFICATION OF PETITIONS	26
SECTION 12.05	CONSIDERATION BY COUNCIL.....	26
SECTION 12.06	SUBMISSION TO VOTERS.....	27
SECTION 12.07	RESULTS OF ELECTION.....	27
SECTION 12.08	SCOPE OF RECALL.....	27

SECTION 12.09	PETITIONS FOR RECALL	27
SECTION 12.10	FORM OF RECALL PETITION.....	27
SECTION 12.11	VARIOUS PAPERS CONSTITUTING PETITION.....	28
SECTION 12.12	PRESENTATION OF PETITION TO CITY COUNCIL	28
SECTION 12.13	PUBLIC HEARING TO BE HELD	28
SECTION 12.14	ELECTION TO BE CALLED	28
SECTION 12.15	BALLOTS IN RECALL ELECTION	29
SECTION 12.16	RESULT OF RECALL ELECTION	29
SECTION 12.17	RECALL, RESTRICTIONS THEREON	29
SECTION 12.18	DELETED.....	29
SECTION 12.19	CONFLICTING REFERENDUMS.....	29
SECTION 12.20	FREQUENCY OF PETITIONS	29
SECTION 12.21	RECALL OF ALL MEMBERS OF THE CITY COUNCIL.....	30
SECTION 12.22	RECALL OF SOME MEMBERS OF THE CITY COUNCIL	30
SECTION 12.23	AUTHORITY FOR NON-BINDING REFERENDUM.....	30
Article 13		30
SECTION 13.01	PUBLICITY OF RECORDS	30
SECTION 13.02	PERSONAL INTEREST	30
SECTION 13.03	PROVISION RELATING TO ASSIGNMENT, EXECUTION AND GARNISHMENT 30	
SECTION 13.04	CITY NOT REQUIRED TO GIVE SECURITY OR EXECUTE BOND	31
SECTION 13.05	SPECIAL PROVISIONS COVERING DAMAGE SUITS.....	31
SECTION 13.06	AMENDING THE CHARTER	31
SECTION 13.07	EFFECT OF THIS CHARTER ON EXISTING LAW	31
SECTION 13.08	SEPARABILITY CLAUSE.....	31
SECTION 13.09	RENUMBERING AND REARRANGEMENT	32
SECTION 13.10	REFERENCE TO STATE LAWS.....	32
SECTION 13.11	GENDER	32

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.