



TEXAS HOUSE OF REPRESENTATIVES

COMMITTEE ON INTERGOVERNMENTAL AFFAIRS*Chairman Cecil Bell, Jr.*

July 16, 2025

The Honorable Ken Paxton
Texas Attorney General
ATTN: Committee Opinion
PO Box 12458
Austin, Texas 78711

Delivered Electronically:
opinion.committee@oag.texas.gov

Re: Request for legal opinion regarding the legal authority of a Texas municipality to enter into an Intergovernmental Support Agreement ("IGSA") with a federal military installation

Dear General Paxton:

This letter serves as a formal request for your opinion concerning whether the City of Socorro can legally enter into an Intergovernmental Support Agreement ("IGSA") with the United States Army Garrison Fort Bliss, Texas ("Fort Bliss"). The City of Socorro has tentatively agreed to perform custodial services for Fort Bliss as set forth in the Performance Work Statement. Exhibit A.

In 2013, IGSA's were authorized by the National Defense Authorization Act in order to create public-public partnerships agreements between military installations and their state or local governments for the provision, receipt, or sharing of installation support services. *See* 10 U.S.C. § 2679. Specifically, the Secretary of Defense "may enter into an intergovernmental support agreement, on a sole source basis, with a State, local, or tribal government to provide, receive, or share installation-support services if the Secretary determines that the agreement will serve the best interests of the department

by enhancing mission effectiveness or creating efficiencies or economies of scale, including by reducing costs.” *Id.* at 2679(a)(1).

The Texas Legislature followed suit and Chapter 793 of the Government Code allows such IGSAAs. It provides: “a local government may enter into an intergovernmental support agreement with a branch of the armed forces of the United States under the National Defense Authorization Act (10 U.S.C. Section 2679) to provide installation-support services to a military installation located in this state.” Tex. Gov’t Code § 793.002.

Our concern relates to whether, despite the above legislation, this is an appropriate governmental function for the City. A governmental entity in Texas “can exercise only governmental functions.” Op. Tex. Att’y Gen. No. S-55 (1953). As stated by the Texas Attorney General in another case: “Any expenditure of city funds must be for a public purpose and municipal purpose. Home-rule cities . . . derive their legislative authority directly from the Texas Constitution.” Op. Tex. Att’y Gen. No. JC-0212 (2000) (citing TEX. CONST. art. XI, § 5; *Lower Colorado River Auth. v. City of San Marcos*, 523 S.W.2d 641, 643 (Tex. 1975); *Forwood v. City of Taylor*, 214 S.W.2d 282, 286 (Tex. 1948)). Here, the City would be expending public funds in order to provide services for which the City would eventually be paid. Although the City would eventually recoup the expenditures and obtain additional revenue on top of that, the Texas Constitution places limits on a city’s expenditure of public funds. Article VIII, section 3 of the Texas Constitution provides that “taxes shall be levied and collected by general laws and for public purposes only.” Article III, section 52 of the Constitution provides in part: “(a) Except as otherwise provided by this section, the Legislature shall have no power to authorize any county, city, town or other political corporation or subdivision of the State to lend its credit or to grant public money or thing of value in aid of, or to any individual, association, or corporation whatsoever” TEX. CONST. art. III, § 52; see also art. III, § 51 (legislature may not grant or authorize the grant of public funds “to any individual, association or individuals, municipal or other corporations whatsoever”). Thus, city funds may be spent only to carry out a municipal purpose. “[A]ny ordinance or resolution it adopts must be consistent with the constitution and general law as well as with its city charter.” *Id.* (citing *Lower Colorado River Authority*, 523 S.W.2d at 643-44; Tex. Att’y Gen. Op. No. H-936 (1977)). Here, the City would contract with the Directorate of

Public Works at Fort Bliss. See Exhibit A. However, the City's Charter does not explicitly authorize this type of relationship. See Exhibit B.

We have been unable to find a court case or Attorney General's Opinion dealing with this specific situation. We are aware of other local governmental units that have entered into similar IGSAs. Obtaining such a ruling would clarify the current state of the law for the City, as well as other local governmental units.

Please do not hesitate to contact me if any further information is needed.

Sincerely,

A handwritten signature in black ink, appearing to read "Cecil Bell, Jr.", with a stylized, cursive script.

Chairman Cecil Bell, Jr.

DOD INTERGOVERNMENTAL SUPPORT AGREEMENT (IGSA)

In 2013, Congress enacted legislation creating the Intergovernmental Support Agreements (IGSA), 10 USC 2679. This new authority allowed the military services to formal partnerships with local and state governments for the provision, receipt or sharing of installation and community support services.

To date, 170 IGSA agreements have been established at nearly 100 installations across the country. These agreements have been used for a wide array of services, including waste removal, training range maintenance and joint use, public transportation, stray animal control, water treatment and testing, road maintenance, facility and utilities maintenance and training, custodial services, computer-aided dispatch, joint military-community police and fire response and training, and snow removal.

A 2018 GAO study of eight IGSAs found

that the services will generate at least \$9 million in benefits, including cost savings and avoidances annually from just those eight agreements alone. The same study concluded that IGSAs have provided significant nonfinancial benefits such as enhanced mission effectiveness and readiness, reduced administrative time and improved relationships with local communities.



ASSOCIATION OF
**DEFENSE
COMMUNITIES**

defensecommunities.org

Installation	Service Description	Partners
AIR FORCE INSTALLATIONS		
Altus AFB, OK	Grounds Maintenance	City of Altus, OK
Altus AFB, OK	Refuse Collection/Recycling Services	City of Altus, OK
Beale AFB, CA	Electrical Support Agreement	City of Gridley, CA
Dyess AFB, TX	City Refuse Service	City of Abilene, TX
Dyess AFB, TX	Various Goods and Services under a Blanket IGSA	City of Abilene, TX
Eielson AFB, AK	Paint Striping IGSA	Alaska Dept of Transportation
Fairchild AFB, WA	Firing Range	City of Spokane, WA
Goodfellow AFB, TX	Angelo State University Dorm IGSA	Angelo State University, TX
Goodfellow AFB, TX	Doolittle Scholars Faculty Development Program	Angelo State University, TX
Grand Forks AFB, ND	Grand Forks Refuse IGSA	County of Grand Forks, ND
Hanscom AFB, MA	Proactive Salt Brine Application	Town of Bedford, MA
Homestead ARB, FL	Base Utilities Maintenance and Operations Training	City of Homestead, FL
JB Charleston, SC	Mosquito Control	Charleston County, SC
JB San Antonio, TX	Blanket IGSA	Alamo Area Council of Governments, TX
JB San Antonio, TX	Bulk Purchasing of Commodities IGSA	Alamo Area Council of Governments, TX
JB San Antonio, TX	Pavement Maintenance	City of San Antonio, TX
Luke AFB, AZ	Integrated Solid Waste Management	City of Glendale, AZ
MacDill AFB, FL	Advance Lifesaving Service (ALS) IGSA	City of Tampa Bay, FL
Moody AFB, GA	Water and Wastewater Treatment Plant	Lowndes County, GA
Pittsburgh ARS, PA	C-17 Assault Landing Zone Training	Wester Reserves Port Authority, PA
Seymour Johnson AFB, NC	Integrated Waste Management	City of Goldsboro, NC
US Air Force Academy, CO	Dam Erosion Repair and Wildlife Habitat Restoration	City of Colorado Springs, CO

Installation	Service Description	Partners
MARINE CORPS INSTALLATIONS		
MCAS Beaufort, SC	Bombing Range Maintenance	Long County, SC
MCAS Beaufort, SC	Grounds Maintenance	Long County, SC
MCAS Beaufort, SC	Educational Services	Beaufort County, SC
MCAS Beaufort, SC	Grounds Maintenance	Long County, SC
MCAS Beaufort, SC	Emergency Management Support Services	Beaufort County, SC
MCAS New River, NC	Utilities	City of Jacksonville, NC
MCAS Yuma, AZ	Use of City's Public Safety Training Facility	City of Yuma, AZ
MCB Camp Lejeune, NC	Military Child Education Tutoring	North Carolina University System
MCB Camp Lejeune, NC	Share Medical Testing Equipment and Supplies	Onslow County, NC
MCB Camp Lejeune, NC	Emergency Services, Safety and Security Operations	City of Jacksonville, NC & Onslow County, NC
MCB Camp Lejeune, NC	Traffic Safety and Traffic Control	City of Jacksonville, NC
MCB Camp Lejeune, NC	Traffic Safety; Emergency Services	City of Jacksonville, NC
MCB Camp Lejeune, NC	On-Site Real ID Processing	North Carolina Department of Transportation
MCB Camp Lejeune, NC	Traffic Light Management MCAS NR	City of Jacksonville, NC
MCB Camp Lejeune, NC	Potable Water Back-up Systems	City of Jacksonville, NC
MCB Camp Lejeune, NC	Waste Water Back-up Services	Onslow County, NC
MCB Camp Lejeune, NC	Provide Monitoring Well Construction Oversight	City of Jacksonville, NC
MCB Camp Lejeune, NC	Women, Infants and Children Program	Onslow County, NC
MCB Camp Lejeune, NC	Gate Intersection Road and Entrance Improvement	NC Department of Transportation
MCB Camp Lejeune, NC	Heavy Equipment Maintenance and Repairs	City of Jacksonville, NC & Onslow County, NC
MCB Camp Lejeune, NC	COVID-19 Contact Tracing Team	City of Jacksonville, NC
MCB Camp Lejeune, NC	Traffic Signal Maintenance	NC Department of Transportation
MCB Quantico, VA	Road Maintenance	Northern Virginia Regional Commission

Installation	Service Description	Partners
MCB Quantico, VA	Supplies and Services	Prince William County, VA
MCLB Albany, GA	Canal Maintenance	Dougherty County, GA
MCLB Albany, GA	Mosquito Spraying Applications	Dougherty County, GA
MCLB Albany, GA	Waste Management	City of Albany, GA
MCLB Albany, GA	Utilities Services/Waste Management	City of Albany, GA
MCLB Albany, GA	Base Operations and Public Services	Dougherty County, GA
MCLB Barstow, CA	Drinking and Waste Water Analysis Services	City of Barstow, CA
MCLB Barstow, CA	Engineering Feasibility Study	City of Barstow, CA
MCLB Barstow, CA	Uniforms for Public Safety Personnel	City of Barstow, CA
NAVY INSTALLATIONS		
CBC Gulfport, MS	Mosquito Surveillance	Harrison County, MS
NAS PAX River, MD	Road Maintenance	St. Mary's County, MD
NAS Whidbey, WA	Pool Use and Fitness Facility Use	North Whidbey Parks & Recreation District
NAS Whidbey, WA	Base Operations and Public Services	City of Oak Harbor, WA
NAS Whiting Field, FL	Joint Training Range Usage and Maintenance	Baldwin County Sheriff, AL
NAS Whiting Field, FL	Joint Training Range Usage and Maintenance	Santa Rosa County Sheriff, FL
NAX Patuxent River, MD	Road Maintenance, Paving and Painting	St. Mary's County, MD
NAX Patuxent River, MD	Joint Training Range Usage and Maintenance	St. Mary's/Calvert/Charles County, MD
NB Coronado, CA	Grounds Maintenance	State of California
NB Coronado, CA	Wastewater Pretreatment	City of Coronado, CA
NB Coronado, CA	Facility Services	City of Coronado, CA
NB Great Lakes, IL	Facility Services	County of Lake, IL
NB Great Lakes, IL	Road Maintenance and Transportation	City of North Chicago, IL
NB Guam	Road Maintenance	Government of Guam
NB Guam	Facility Services	Government of Guam

Installation	Service Description	Partners
NB Ventura County, CA	Road Maintenance	Ventura County, CA
NB Ventura County, CA	Transportation	County of Ventura, CA
NSA Crane, IN	Installation Utilities Operation and Maintenance Training	Indiana University
NWS Earle, NJ	Storm Drainage Maintenance	County of Monmouth, NJ
NWS Earle, NJ	Equipment Maintenance	County of Monmouth, NJ
NWS Earle, NJ	Road Maintenance	County of Monmouth, NJ
NWS Earle, NJ	Stormwater and Shoreline Management	New Jersey Department of Environmental Protection
NWS Earle, NJ	Blanket IGSA with Multiple Operations and Services	County of Monmouth, NJ
Naval Base San Diego, CA	Energy and Utility Infrastructure Improvements	Port of San Diego, CA
Naval Air Station Corpus Christi, TX	Potable Water Utility Maintenance and Repair Services	Nueces County, TX
Naval Submarine Base New London, CT	Procurement of Services and Products	Connecticut Capitol Region Council Of Government
Naval Submarine Base New London, CT	Wide Range of Installation Support Services	Connecticut Department of Transportation
Naval Submarine Base New London, CT	Utility Operations and Services	Groton Public Utilities, CT
Navy Installations Command Mid-Atlantic	Provision and Procurement of Bulk Goods and Services	Northern Virginia Regional Commission, VA
ARMY INSTALLATIONS		
AP Hill, VA	Natural Resources Surveys	Virginia Department of Conservation
Army Futures Command, TX	Software Factory	Austin Community College, TX
Detroit Arsenal, MI	Traffic Light Maintenance	Macomb County, MI
Donald R. Moyer Reserve Center, MI	Grounds Maintenance	Oakland County, MI
Ft Belvoir, VA	Road Maintenance Bulk Purchase	Northern Virginia Regional Commission
Ft Benning, GA	Eco Forest Monitoring	Auburn University, AL
Ft Benning, GA	Wildfire Detection	Georgia Forestry Commission
Ft Benning, GA	Eco Forest Monitoring Renewal	Auburn University, AL

Installation	Service Description	Partners
Ft Benning, GA	Stray Animal Control	Chattahoochie County, NC
Ft Bliss, TX	Stray Animal Control	El Paso, TX
Ft Bliss, TX	Confinement Services	Otero County, TX
Ft Bliss, TX	Architect and Engineering Design	El Paso, TX
Ft Bliss, TX	Stormwater Engineering	El Paso, TX
Ft Bragg, NC	ASOM Custodial Services	Fayetteville, NC
Ft Bragg, NC	ASOM Maintenance	Fayetteville, NC
Ft Bragg, NC	Stray Animal Control II	Harnett County, NC
Ft Bragg, NC	Road Maintenance	North Carolina Department of Transportation
Ft Bragg, NC	Stray Animal Control Renewal	Cumberland County, NC
Ft Bragg, NC	Zoning Restrictions Review	Council of Governments, NC
Ft Bragg, NC	Stray Animal Control	Fayetteville, NC
Ft Campbell, KY	Stray Animal Control	Montgomery County, KY
Ft Campbell, KY	Salt Bulk Purchase	Hopkinsville, KY
Ft Campbell, KY	Wetland Planning Level Survey	Austin Peay State University, KY
Ft Campbell, KY	Road Striping Services	City of Hopkinsville, KY
Ft Campbell, KY	Nothern Long Eared Bat Survey	Austin Peay State University, KY
Ft Campbell, KY	Storm Water Permitting	Austin Peay State University, KY
Ft Campbell, KY	Road Signage	Hopkinsville, KY
Ft Carson, CO	Pre-Trial Confinement Services	Douglas County Sheriff's Office, CO
Ft Carson, CO	Utility Infrastructure Systems	Colorado Springs Utilities, CO
Ft Carson, CO	Pest Control Services	City of Fountain, CO
Ft Carson, CO	General Facility Construction	City of Fountain, CO
Ft Detrick, MD	Computer Aided Dispatch	Frederick County, MD
Ft Detrick, MD	Solid Waste Collection and Disposal	Frederick County, MD
Ft Detrick, MD	Forest Glen Landfill Solid Waste Disposal	Montgomery County, MD

Installation	Service Description	Partners
Ft Devens, MA	Street Sweeping Services	State of Massachusetts
Ft Drum, NY	Composting Services	Development Authority of the North Country
Ft Drum, NY	Life Skills Services	Cornell Extension, NY
Ft Drum, NY	Endangered Species Monitoring	New York Natural Heritage Program
Ft Gordon, GA	Road Pavement	Columbia County, GA
Ft. Hood, TX	Stray Animal Control	City of Killeen and Cooperas Cove, TX
Ft Huachuca, AZ	Ambulance Services	Sierra Vista, AZ
Ft Huachuca, AZ	Wildfire Fuel Removal	Arizona Department of Forestry
Ft Huachuca, AZ	Stray Animal Control	Sierra Vista, AZ
Ft Irwin, CA	Stray Animal Control	City of Barstow, CA
Ft Jackson, SC	Stray Animal Control	City of Columbia, SC
Ft Knox, KY	EMS Support	Hardin County, KY
Ft Knox, KY	Refuse Services	Hardin County, KY
Ft Knox, KY	Grounds Maintenance	Hardin County, KY
Ft Lee, VA	Computer Aided Dispatch	Prince George County, MD
Ft Leonard Wood, MO	Stray Animal Control	Waynesville, MO
Ft Leonard Wood, MO	Stray Animal Control 2020 Renewal	Waynesville, MO
Ft McCoy, WI	LiDAR/Aerial Photography	Monroe County, WI
Ft McCoy, WI	Road Striping	Vernon County, WI
Ft Polk, LA	Solid Waste	Vernon Parish, LA
Ft Polk, LA	Vegetation Control	City of Leesville, LA
Ft Polk, LA	Confinement Services	Beauregard Parish Sherriff's Office
Ft Polk, LA	Custodial Services	Town of Rosepine, LA
Ft Polk, LA	Traffic Control Services	Beauregard Parish Sherriff's Office
Ft Polk, LA	Back Up 911 Center	Vernon Parish 911 Center, LA
Ft Riley, KS	Building Demo	Unified School District 475, KS

Installation	Service Description	Partners
Ft Riley, KS	Salt Bulk Purchase	City of Manhattan, KS
Ft Riley, KS	Archeological Site Surveys	Kansas State University
Ft Riley, KS	Traffic Safety	Kansas Traffic Safety Resource Office
Ft Sill, OK	Stray Animal Control	Lawton, OK
Ft Stewart, GA	Stray Animal Services	Chatham County, GA
Ft Stewart, GA	Grounds Maintenance	City of Hinesville, GA
Ft Stewart, GA	Economic Impact Analysis	Georgia Southern University
Ft Stewart, GA	Stray Animal Control	Long County, GA
Ft Stewart, GA	Confinement Services	Liberty County, GA
Ft Stewart, GA	Water Storage	City of Hinesville, GA
Ft Wainwright, AK	Computer Aided Dispatch	Fairbanks, AK
Ft Wainwright, AK	Curation Services	University of Alaska, Fairbanks
Ft Wainwright, AK	Railroad Crossing Signal Repair	Alaska Railroad Corporation
Ft Wainwright, AK	Architect and Engineering Design	University of Alaska, Fairbanks
Ft. Hood, TX	Routine Pavement Maintenance	City of Killeen, TX
Ft. Hood, TX	Visual Surveillance Systems Monitoring	City of Killeen, TX
Ft. Hood, TX	Improved Road Access	Copperas Cove
Ft. Shafter / Schofield Barracks, HI	Service and Maintenance of the Hawaii EMS	State of Hawaii Emergency Management Agency
Hunter Liggett, CA	Municipal Services	City of Dublin, CA
Hunter Liggett, CA	Fire Dispatch	Alameda County Emergency Center, CA
Hunter Liggett, CA	Police Dispatch	Camp Parks Area Police, CA
Hunter Liggett, CA	Plant Removal Services	California Conservation Corps
Joint Base Lewis McChord, WA	Stray Animal Control	Thurston County, WA
Joint Base Lewis McChord, WA	Computer Aided Dispatch	South Sound 911 Dispatch, WA
Joint Base Myer-Henderson Hall, VA	GIS Services	Arlington County, VA
Joint Base Myer-Henderson Hall, VA	Workplace Safety	Millersville University of Pennsylvania

Installation	Service Description	Partners
Joint Base Myer-Henderson Hall, VA	Road Maintenance Bulk Purchase	Northern Virginia Regional Commission
Presidio of Monterey, CA	Municipal Services	City of Monterey, CA
Redstone Arsenal, AL	Utility Operations & Maintenance	Hunstville Utilities, AL
Rock Island Arsenal, IL	E911	Rock Island County, IL
Rock Island Arsenal, IL	Refuse and Recycle	City of Moline, IL
Rock Island Arsenal, IL	Water Treatment	City of Rock Island, IL
West Point, NY	Engineering Services	Dormitory Authority of the State of New York
West Point, NY	CAD 911	Orange County
White Sands Missile Range, NM	Solid Waste Services	South Central Solid Waste Authority
White Sands Missile Range, NM	Base Operations	State of New Mexico
All Texas Military Installations	Roadway Maintenance, Repair Projects and Bulk Purchase of Materials	State of Texas
Ft Rucker, AL	Natural Resource Management	University of Auburn, AL
Redstone Arsenal, AL	Natural Resource Management	University of Auburn, AL
Ft Benning, GA	Natural Resource Management	University of Auburn, AL
Ft Gordon, GA	Natural Resource Management	University of Auburn, AL
Ft Stewart, GA	Natural Resource Management	University of Auburn, AL
Ft Polk, LA	Natural Resource Management	University of Auburn, AL
Ft Bragg, NC	Natural Resource Management	University of Auburn, AL
Ft Jackson, SC	Natural Resource Management	University of Auburn, AL
Ft Riley, KS	Capital Improvement, Repairs and Maintenance	Unified School District 475
U.S. Army Garrison Alaska	Ecosystem Support Services	Salcha-Delta Soil and Water Conservation District, AK
Joint Base Lewis-McChord, WA	Connectivity and Telecommunications Services	Washington State Technologies

CITY OF SOCORRO



CITY CHARTER

AS AMENDED 2020

**CITY OF SOCORRO
TEXAS**



**SOCORRO CITY
CHARTER**

[As Amended November 3, 2020]

**CITY OF SOCORRO
CITY CHARTER**

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ARTICLE I
FORM OF GOVERNMENT AND BOUNDARIES

Section 1.01 INCORPORATION

The inhabitants of the City of Socorro, El Paso County, Texas, residing within its corporate limits as now established or as hereafter established, shall continue to be a Municipal and Corporate in perpetuity under the name "City of Socorro," hereinafter referred to as the "City," and having such powers, privileges, rights, duties and immunities as are herein provided.

Section 1.02 FORM OF GOVERNMENT

The municipal government provided by this Charter shall be known as the "Council-Manager" form of Government. Pursuant to its provisions and subject only to the limitations imposed by the State Constitution, the statutes of this State and by this Charter, all powers of the City shall be vested in an elected Council, hereinafter referred to as the "City Council," which shall enact local legislation, adopt budgets, determine policies, and appoint the City Manager, who in turn shall be held responsible to the City Council for the operation of the City. All powers of the City shall be exercised in the manner prescribed by this Charter, the State Constitution or the Statutes of the State of Texas.

Section 1.03 BOUNDARIES AND LEGAL DESCRIPTION

The boundaries of the City, at the time this Charter is adopted, are those, which have previously been legally established by the original Socorro Land Grant of 1871 less the International Boundary Commission Ratification and by the Comprehensive Planning Study of 1988. The boundaries may be changed from time to time either through annexation or detachment of territories. The official map of the current boundaries of the City of Socorro is on file with the City Clerk.

ARTICLE II
POWERS OF THE CITY

Section 2.01 GENERAL POWERS

- A. The City shall have all powers, except as limited by this Charter, granted to municipal corporations and to cities under a home rule Charter, by the Constitution and Laws of the State of Texas, together with all implied powers necessary to carry into execution all the powers granted.
- B. The powers possessed by the City include, but are not limited:
1. To acquire property by purchase, gift, devise, lease condemnation, or otherwise.
 2. To sell, lease, mortgage, encumber and control such property, any part thereof or any interest therein, as its interest may require.
 3. To sue and be sued.
 4. To regulate, develop, and improve streets and public property.
 5. To provide for a public water system and to fix the charges and compensation to be charged by the City for public water service.
 6. To provide for a sanitary-sewer system and to establish the compensation to be charged and rules for connection to and use of the sanitary sewer system.
 7. To provide for the handling and disposition of all garbage, trash, rubbish, and hazardous waste, and to fix the compensation to be charged for these services.
 8. To provide land use and development regulations, to include, but not limited to: zoning and subdivision regulations, alleviation or prevention of colonias and other conditions of deterioration, and achievement of the most appropriate use of land resources.
 9. Authority, either singularly or jointly with the county, to acquire, establish and own, either by purchase, donation, bequest or otherwise all property that may be useful or necessary for the purpose of establishing and maintaining parks and recreation facilities as authorized by law. Such facilities may be operated by a board created by City Council.
 10. To create a housing authority in accordance with the laws of the State of Texas and the United States.
 11. To establish regulations providing minimum standards for all buildings that are used or intended for use as places of human habitation, which standards shall be designed to make it reasonably certain that all such buildings or dwelling places shall be constructed, reconstructed, repaired and maintained so as to protect the safety, health and general welfare of the community, its citizens and the persons who reside in such buildings or dwelling places.
 12. To undertake and engage in programs and projects for urban renewal or redevelopment as authorized by the laws of the State of Texas and the United States.

- C. The enumeration of particular powers by this Charter shall not be adjudged to be exclusive, and, in addition to any powers enumerated or implied herein, it is intended that the City shall have and may exercise all the powers which would be competent for this Charter to enumerate specifically.

Section 2.02 EMINENT DOMAIN

The City shall have the full power to exercise the right of eminent domain when necessary to the conduct of public affairs, consistent with the authority conferred by this Charter or by the Constitution and laws of the State of Texas. Such authority shall include the obligation to pay just compensation and the right to take the fee in land so condemned and to institute condemnation proceedings for municipal or public purposes.

Section 2.03 ANNEXATION FOR ALL PURPOSES

The City Council shall have the power to fix the boundary limits of the City of Socorro and to provide for the alteration, reduction, and 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 its inhabitants in accordance with Texas law.

Section 2.04 DETERMINATION OF EXTRA TERRITORIAL JURISDICTION

The extra territorial Jurisdiction of the City of Socorro shall be determined in accordance with Texas law.

Section 2.05 ANNEXATION PROCEDURES

The Annexation procedures of the City of Socorro shall comply with Texas law.

Section 2.06 DETACHMENT OF TERRITORIES

Territory lying within the boundary limits of the City and that abuts the outer boundary limits may, after notice and other procedures as required by State Law be de-annexed and detached from the City. Any such territory so detached shall be liable for its prorata share of any taxes and fees incurred while it was part of the City, except as provided by State Law.

ARTICLE III

THE CITY COUNCIL

Section 3.01 NUMBER, SELECTION AND TERMS OF OFFICE

- A. The legislative and governing body of the City shall consist of a Mayor and five (5) City Representatives, and shall be known as the "City Council of the City of Socorro."
- B. The Mayor and the City Representatives shall be elected to serve for four (4) year terms and for not more than three (3) consecutive terms. Council members other than the Mayor shall be elected from single member districts numbered 1, 2, 3, and 4, and one position shall be At Large. The Districts will be established, determined and district lines shall be redrawn after each federal census, if required, to comply with state and federal voting laws and regulations. Each candidate for City Council in a particular District shall be a resident of that District.
- C. The Council members shall serve staggered terms. The positions of Mayor, At-Large Representative, and District 4 City Representative were filled by election in November 2016, and shall continue to be filled by election in November of every fourth year thereafter. The positions of District 1 City Representative, District 2 City Representative, and District 3 City Representative were filled by election in November 2017, and shall continue to be filled by election in November of every fourth year thereafter. All terms of office for members of the Socorro City Council shall be four (4) years, and shall run from November through November of the fourth year after the member is elected.

Section 3.02 QUALIFICATIONS

All qualifications must be met at the time of candidacy filing in addition to other qualifications prescribed by the laws of the State of Texas.

The candidate shall:

- A. Be a citizen of the United States of America and qualified voter of the City of Socorro;
- B. Have resided for at least 12 months preceding the election within the corporate limits of the City, or for 12 months within a territory that has been annexed by the City;
- C. Not be in arrears in the payments of any taxes or other liability due to the City in the last two years;
- D. Show proof that his or her homestead and residency are one and the same and that such property lies within the corporate boundaries of the City of Socorro.
- E. Any member of the City Council who ceases to possess any of the qualifications specified in this section or is convicted of a felony of any kind or misdemeanor

crime of moral turpitude while in office, or is absent from three (3) consecutive regular meetings in one year without being excused by the City Council, shall forfeit their office and the City Council shall declare that position vacant. A majority vote of elected members of the City Council is required to declare the office vacant.

Section 3.03 MAYOR AND MAYOR PRO TEM

- A. The Mayor shall be the official head of the City government. The Mayor shall be the chair and shall preside at all meetings of the City Council. The Mayor shall, except as provided otherwise by the City Council, sign all official documents such as ordinances, resolutions, conveyances, grant agreements, official plats, contracts and bonds. The Mayor shall appoint special committees as advisable and as instructed by the City Council. The Mayor shall perform such other duties consistent with this Charter or as may be imposed by the City Council.
- B. The City Council shall elect from among its members an acting Mayor Pro Tem who shall act as Mayor during the absence or disability of the Mayor.
- C. The Mayor, or the Mayor Pro Tem while presiding over the City Council in the absence of the Mayor, shall vote only in the case of a tie except to pass an ordinance when the voting membership of the Council is reduced below five (5) owing to one or more absences and/or vacancies and/or abstentions. The Mayor may also vote when this Charter or any law requires more than a simple majority vote of the City Council.
- D. The Mayor Pro Tem shall serve in his or her capacity as Mayor Pro Tem for not longer than one (1) year from the date of appointment by the City Council or as long as is otherwise prescribed by Texas Law.

Section 3.04 GENERAL POWERS AND DUTIES

The City Council. The City Council shall be the legislative and governing body of the City and shall have control of the City finances, property, functions, services, affairs and programs, subject only to the terms and provisions of this Charter. The City Council shall have the power to ordain, alter, amend or repeal and enforce ordinances, resolutions, rules, orders, and regulations, for any public purpose, that are not in conflict with this Charter, or Federal or State law. The City Council shall have the power and authority to provide for any public purpose, including but not limited to recreation, the regulation and control of public property, municipal finances, the preservation of the public peace and good order, the security and protection of the public health, safety and welfare, the promotion of trade, commerce and economic development, the beautification and quality of life within the City, and any other governmental or proprietary service or program. The City, by and through its City Council, shall have full and complete power of local self government to the fullest extent not in conflict with this Charter and State Law, including all such authorities and privileges that are now or hereafter provided to cities by State Law and such power and authority, both express and implied, as necessary to accomplish and enforce any such duty, program or public purpose.

The City Council shall have all the powers necessary and incident to the proper discharge of the duties imposed upon it, and is hereby vested with all powers necessary to carry out the terms and provisions of this Charter; except where such powers are, by this Charter, specifically reserved or conferred on some other officer.

The following powers and duties of the City Council are not exclusive but are enumerated for greater clarity:

- A. Appoint, supervise and remove the City Manager by four-fifths (4/5) vote of the entire City Council;
- B. Ensure enforcement of the provisions of this Charter and the ordinances of the City;
- C. Adopt and amend the budget of the City;
- D. Call bond elections, and authorize the issuance and sale of bonds, certificates of obligation, certificates of participation, warrants, notes and other evidences of indebtedness or obligation of the City pursuant to this Charter and State Law;
- E. Provide for and control of all City finances;
- F. Provide for boards and commissions as deemed necessary by the City Council, and as required by this Charter, and appoint and remove all such boards and commissions upon the recommendation of the Mayor;
- G. Adopt, modify and carry out the plans proposed by the planning commission and other boards and commissions;
- H. Adopt, modify and cause the enforcement of building codes, fire codes, and health codes, public safety codes, and all other codes and regulations deemed reasonably necessary;
- I. Provide for all public utilities and serve as the primary regulatory agency for companies;
- J. Pass ordinances and resolutions as necessary in its judgment for any public purpose not inconsistent with this Charter;
- K. Exercise police powers for the safety of all citizens, and to protect their health, life and property, prevent and summarily abate and remove all nuisances; to preserve and to enforce good government, order and security of the City;
- L. Control and regulate the use and occupancy of the public streets, rights-of-way and all property of the City;
- M. Make investigations into municipal affairs and subpoena persons, documents and records, and compel the attendance of witnesses and production of records for such purpose;
- N. Require fidelity bonds to be provided, at City expense, for any officer or employee position;
- O. Appoint and remove the City Attorney, the Municipal Judge and the associate Municipal Judges;
- P. Confirm or reject the appointment of the officers required by this Charter to be confirmed by the City Council;
- Q. To govern the affairs of the City in conformance with this Charter and the State and Federal Constitutions and Laws, and to determine by majority vote,

- the best and most appropriate method and manner of efficiently performing the functions and providing the services of the City, consistent with the Council-Manager form of government and, except as provided in this Charter, with respect to certain departments that must be maintained in effect, the City Council may, after hearing the City Manager; create, change, merge, or abolish offices, departments or agencies of the City, and may contract for services by interlocal agreement or otherwise as it deems advisable, to improve the services or the efficiency of government; and
- R. Call and hold special elections useful to the accomplishment of the purpose of the City, to the fullest extent not inconsistent with State Law.

Section 3.05 COMPENSATION

The Mayor shall receive fifteen thousand dollars per year, and each of the City Council members shall receive ten thousand dollars per year as compensation for their services, and any increase of salary shall be through a Charter Amendment only; and they shall be entitled to all necessary expenses incurred in the performance of their official duties or officially representing the City, when such expenses are authorized and approved by a majority vote of the members of the City Council at a meeting of the City Council.

Section 3.06 VACANCIES

A vacancy occurring in the City Council shall be filled by a person having the qualifications required of a person filing for the office vacated and selected in the manner prescribed below:

The office of Mayor or Council member shall become vacant upon the death, resignation, or removal from office of the incumbent. Any vacancy or vacancies, whether in the office of Mayor or Council member, shall be filled by special election called for such purposes. The date for special elections to fill vacancies shall be the first uniform election date after the vacancy occurs and for which there is sufficient time to call and give notice of the election as required by law; provided that, if a vacancy occurs and no such election date falls within 120 days after the date of the vacancy, the City Council shall, without regard for the specified uniform election dates, order such election to be held on Saturday within 120 days from the date of the vacancy.

All vacancies shall be filled by appointment for the remainder of the unexpired term of the office until such time as an election occurs.

Section 3.07 MEETINGS

- A. The City Council shall hold at least two regular meetings, the first and third Thursday of each month, except December, when at least one regular meeting shall be held, at a time to be fixed by it for such regular meetings, and may hold as many additional meetings as may be necessary for the transaction of the business of the

City and its citizens. The City Council may change the regular meeting dates at their discretion.

- B. The Mayor shall, with three voting City Council members, constitute a quorum. In the absence of the Mayor, any of the four City Council members shall constitute a quorum. If, because of one (1) or more vacancies, the City Council comprises less than five (5) members, 3 voting members shall constitute a quorum. At any meeting at which both the Mayor and Mayor Pro Tem are absent, the remaining three voting Council members may appoint any Council member to preside as acting Mayor.
- C. All meetings of the City Council shall be open to the public except as provided by law.
- D. All meetings of the City Council shall be held at the City Council Chambers, which are currently located at 860 N. Rio Vista, Socorro, Texas 79927, or another appropriate location designated by the City Council. Notice of such meetings shall be posted in conformance with applicable State Law.
- E. Special meetings of the City Council may be called by the City Clerk or designee upon written request of the Mayor and/or three (3) members of the City Council.

Section 3.08 RULES OF PROCEDURE

The City Council shall determine, by ordinance, its own rules of procedure and order of business. The Agenda will consist of every item that will be discussed in public with public input through proper proceedings, except those items that will be discussed in Executive Session. Minutes of all meetings of the City Council, written, audio and visual, including the results of all votes, shall be taken and recorded. Such minutes shall constitute a permanent record to which any citizen may have access at all reasonable times; except under Executive Session.

Section 3.09 RISK AND INSURANCE PROGRAM

The City Council has elected to use a risk pool program. The pool provides its members with a stable and economic source of financing for their insurance needs and prevention services. Program includes coverage for Crime, Public Employee Dishonesty, Forgery or Alteration, Theft, Disappearance and Destruction and Computer Fraud.

Section 3.10 INTERFERENCE WITH ADMINISTRATION

- A. Neither the City Council nor any of its members shall instruct or request the City Manager or any of the City Manager's subordinates to appoint or remove from office or employment any person, except with respect to those offices that are to be filled by appointment by the City Council under the provision of this Charter. Except for the purpose of inquiry and investigation, or as otherwise expressly provided by this Charter, the City Council shall interact with the administrative services of the City solely through the City Manager, and shall not give orders to

any of the City Manager's subordinates, either publicly or privately, except with the City Manager's specific approval.

- B. An attempt by a Council Member to influence the City Manager or any of the City Manager's subordinates in the making of any appointment or the purchase of any materials or supplies shall subject such Council Member to removal from office for malfeasance. The City Council shall have the power to impose a range of consequences for violating the public's trust. The range of consequences includes censure, removal from office, permanent disqualification, restitution, and fines up to a designated amount determined by the City Council through a motion, resolution, or ordinance. The City Council may refer a Council Member's actions to the ethics commission to conduct an investigation and provide recommendations, with the final decision being made by the City Council.

Section 3.11 INVESTIGATION BY THE CITY COUNCIL

The City Council shall have the power to inquire into the official conduct of any office, department, agency, officer, or employee of the City, and to make investigations as to municipal affairs, and for that purpose may subpoena witnesses, administer oaths, and compel the production of books, paper, and other evidence material to the inquiry. The City Council shall provide by ordinance penalties for contempt in failing or refusing to obey any such subpoena or to produce any such books, papers, or other evidence, and shall have the power to punish any such contempt in the manner provided by such ordinance.

Section 3.12 AUDIT AND EXAMINATION OF CITY BOOKS AND ACCOUNTS

- A. The City Council shall engage an annual audit to be made of the books and accounts of the City. At the close of each fiscal year, a complete audit shall be made by a Certified Public Accountant(s) who is qualified to perform such audit, and shall be selected by the City Council not more than sixty (60) days nor less than thirty (30) days prior to the fiscal year end, and who shall have no personal interest, direct or indirect, in the fiscal affairs of the City or any of its officers.

The City Council may appoint a City Auditor. The City Auditor shall carry out the internal audit functions as determined by the City Manager and City Council.

- B. Such audit shall include a recapitulation of all internal audits made during the course of the fiscal year.
- C. All audit reports shall be filed with the City Council and shall be made a part of the archives of the City.
- D. All audits shall be performed in accordance with written audit contracts. Such contracts shall state the period to be covered, the funds involved, the purpose of the audit, the fee to be charged, and the authority to be used in determining presentation and accounting standards.

- F. The City Council shall, at the end of each month, prepare or have prepared under its direction, a statement as to financial receipts and disbursements for that particular month, and shall have such statement not later than the 25th day of the following month and shall have a copy of said statement available in the office of the City Secretary for examination and a copy will be made, at a reasonable charge, for those who request one.
- G. An itemized Financial Statement shall be presented to all the new Council members coining into office.
- H. The auditor shall be available to the City Council throughout the budget year for special projects, reviews and reports.

Section 3.13 ACTION REQUIRING AN ORDINANCE

In addition to other acts required by law or by specific provisions of this Charter to be enacted by ordinance, those acts of the City Council shall be by ordinance which:

- A. Adopt or amend any code of technical regulations, or establish, alter, or abolish any City department, office or agency;
- B. Establish a fine or other penalty, or establish a rule or regulation for a violation of which a fine or other penalty is imposed;
- C. Levy taxes, except as otherwise provided in Article V with respect to the property tax levied by adoption of the budget;
- D. Grant, renew or extend a franchise;
- E. Regulate the rate charged for its services by public utility;
- F. Authorize the borrowing of money to meet a public emergency as provided by State Law;
- G. Convey, lease, or authorize the conveyance or lease of any lands of the City of Socorro;
- H. Adopt ordinances proposed under the initiative power as provided in Article VII;
- I. Amend or repeal any ordinance previously adopted, except as otherwise provided in Article VII, with respect to the repeal of ordinances reconsidered under the referendum power; and
- J. Adopt certificates of obligation.

Section 3.14 ORDINANCES IN GENERAL

- A. Form
 - 1. Every proposed ordinance shall be introduced in writing and in the form required for final adoption.
 - 2. Every ordinance shall contain only one subject, which shall be clearly expressed in its title.
 - 3. The enacting clause shall be "Be it ordained by the City of Socorro.....".
 - 4. Any ordinance which repeals or amends an existing ordinance or a part of a City code, shall set out in full the ordinance, sections, or subsections to be

repealed or amended, and shall indicate the matter to be omitted by enclosing it in brackets or by strike out type, and shall indicate new matter by underscoring or by italics. Each page of the new ordinance shall be identified at the bottom of the page with the latest revision by date.

5. The original ordinance, repealed or amended, must be attached to the proposed ordinance.

B. Procedure

1. An ordinance may be introduced by any member of the City Council at any regular or special meeting of the City Council.
2. Upon introduction of any ordinance, the City Clerk shall:
 - a. distribute a copy of the ordinance to each member of the City Council and to the City Manager;
 - b. file a reasonable number of copies in the office of the City Clerk and such other public places as City Council may designate; and
 - c. publish the ordinance together with a notice setting out the time and place for a public hearing thereon and for its consideration by the City Council.
3. The public hearing shall follow the publication by at least five (5) days. Public hearings may be held separately or in connection with a regular or a special City Council meeting, and may be adjourned from time to time. All persons interested shall have an opportunity to be heard at the public hearings.
4. After two (2) readings, the City Council may adopt the ordinance with or without amendments or reject it; adoption of an ordinance requires that at least three (3) members vote in favor of the ordinance. If the ordinance is amended as to any matter of substance, the City Council may not adopt it until the ordinance or its amended sections have been subjected to all the procedures required in the case of newly introduced ordinances.
5. As soon as practicable after adoption of any ordinance, the City shall have it published again, together with notice of its adoption.

C. Effective Date

Unless otherwise provided, every ordinance shall become effective five (5) days after publication of notice of the adoption.

E. "Publish" Defined

As used in this section, the term, "publish" means to print in one or more newspapers of general circulation in the City:

1. the ordinance or brief summary thereof in compliance with Local Government Code Section 52.013; and
2. the places where copies of it have been filed and the time when they are available for public inspection; or
3. as otherwise authorized by State Law.

- F. This section shall not apply to emergency ordinances adopted under section 3.16 of this Charter.

Section 3.15 CODE OF TECHNICAL REGULATIONS

- A. The City Council may adopt any standard code of technical regulations by reference thereto in an adopting ordinance. The procedure and requirements governing such an adopting ordinance shall be those prescribed for ordinances generally, except that:
1. the requirements of Section 3.14 for distribution and filing of copies of the ordinance shall be construed to include copies of the code of technical regulations and of the adopting ordinance; and
 2. a copy of each adopted code of technical regulations and of the adopting ordinance shall be authenticated and recorded by the City Clerk pursuant to Section 3.17 of this Article.
- B. Copies of any adopted code or technical regulations shall be made available by the City Clerk for distribution or for purchase at a reasonable price.

Section 3.16 EMERGENCY ORDINANCES

- A. To meet a public emergency, as determined by City Council, the City Council, may adopt one or more emergency ordinances. Such ordinance may not:
1. levy taxes;
 2. grant, renew, or extend a franchise;
 3. regulate the rate charged by any public utility for its services; or
 4. authorize the borrowing of money, except as provided by Section 5.06(B) of this Charter.
- B. An emergency ordinance shall be introduced in the form and manner prescribed for ordinances generally, except that it shall be plainly designated as an emergency ordinance and shall contain after the enacting clause, a declaration stating that an emergency exists and describing it in clear and specific terms.
- C. An emergency ordinance may be adopted with or without amendment, or rejected, at the meeting at which it is introduced. The affirmative vote of three (3) members of the City Council shall be required for adoption.
- D. Every emergency ordinance, except one made pursuant to Section 5.06 (B) of this Charter, shall automatically stand repealed as of the sixty first (61st) day following the date on which it was adopted, but this shall not prevent reenactment of the ordinance in the manner specified in this section, if the emergency still exists.

Section 3.17 AUTHENTICATION AND RECORDING

The Mayor and the City Clerk shall authenticate each approved ordinance by signature, and have it recorded in full, in a properly indexed book kept for the purpose of officially archiving all original ordinances, resolutions and attachments adopted by the City Council.

Section 3.18 "LAME DUCK"

Elected officers shall not approve contracts within forty-five (45) days prior to the date of any City general election until inauguration of those elected. The City shall not enter into any contract for the purchase of materials or supplies or for professional services, the acquisition of any land or buildings, the construction or repair of any public building, or the carrying on of any other public work requiring, creating, or imposing an obligation or liability of any nature upon the City in excess of \$3,000.00; provided that in the following situations, this provision shall not apply:

- A. In the case of public calamity, where it becomes necessary to act at once to appropriate money to relieve the necessity of citizens or to preserve the property of the City, or when it is necessary to preserve or protect the public health;
- B. In the case of contracts lawfully authorized prior to any City general election or to contracts which may be lawfully authorized by a vote of the people; or
- C. In the case of obligation incurred by the City for providing essential and indispensable maintenance for any City department.

Section 3.19 HOTEL OCCUPANCY TAX

The City shall have the power to levy and collect a hotel-motel occupancy tax, as provided under the laws of the State of Texas. When this tax is levied by the City Council, the proceeds shall be used as set forth in the Texas Tax Code.

Section 3.20 NEPOTISM

No person related within the second degree by affinity, or within the third degree by consanguinity, to members of the City Council or Mayor shall be appointed to any office, position or service in the City, but this provision shall not affect officials or employees who are already employed by the City or have been a City employee for six (6) months or longer at the time of the election of the Mayor or City Council Member.

Section 3.21 PERSONAL INTEREST

- A. No member of the City Council or any officer or employee of the City shall engage in self-dealing or have a financial interest, direct or indirect, in any contract with the City, or in the business of a contractor supplying the City, of any land or rights

or interest in any land, material, supplies, or service, except on behalf of the City as an officer or employee.

- B. The City Council shall not authorize the expenditure of public funds for the development of a privately owned subdivision.
- C. Any willful violation of this section shall constitute malfeasance in office, and any officer or employee of the City found guilty thereof shall forfeit his or her office or position. Any person or entity contracting with the City who knowingly, either expressly or implicitly, violates this section shall render the contract voidable by City Council.

ARTICLE IV
CITY ADMINISTRATION

Section 4.01 CITY MANAGER

- A. City Council shall appoint a City Manager by contract approved by five-sixths (5/6) vote of the entire Council. The City Manager shall be a resident of the City of Socorro within six (6) months of employment. The City Manager must post a fidelity bond.
- B. The City Manager shall be the chief administrative and executive officer of the City and shall be responsible to the City Council for the Administration of the affairs of the City.
- C. The City Manager shall be chosen by the City Council on the basis of executive and administrative training, education (undergraduate or graduate degree preferred), three to five years progressive experience in an administrative capacity and ability is preferred.
- D. The City Council shall be prohibited from appointing the City Manager to a term by contract longer than forty-eight (48) months. The City Manager may be removed at the will and pleasure of the City Council by five-sixths (5/6) vote of the entire City Council.
- E. No member of the City Council shall, during the time for which he or she is in office nor for one (1) year thereafter, be appointed City Manager.
- F. The action of the City Council in suspending or removing the City Manager shall be final, it being the intention of this Charter to vest all authority and fix all responsibility of such suspension or removal on the City Council.
- G. In case of the absence or disability of the City Manager, the City Council may designate some qualified person to perform the duties of the office during such absence or disability.
- H. The City Manager shall receive compensation as may be fixed by the City Council.

Section 4.02 DUTIES OF THE CITY MANAGER

The City Manager shall:

- A. With the advice and consent of the City Council, appoint, and remove all department heads of the City except as otherwise provided by this Charter or by ordinance;

- B. Attend all meetings of the City Council, taking part in discussion, but having no vote, and shall be notified of all special meetings of the City Council;
- C. See that all laws, provisions of this Charter, and acts of the City Council, subject to enforcement by the City Manager or by officers, subject to his or her direction and supervision, are faithfully executed;
- D. Prepare and submit the annual budget and capital program to the City Council;
- E. 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;
- F. Keep the City Council fully advised as to the financial condition and future needs of the City and make such recommendations to the City Council on a monthly basis;
- G. Make such other reports as the City Council may require concerning the operations of the City subject to his or her direction and supervision.
- H. Perform such other duties as are specified in the Charter or may be required by the City Council or the Laws of the State of Texas; and
- I. Oversee the direction and completion of any grant activity and/or the obtainment of public monies whether it be on the State or Federal level, and develop a five-year strategic economic growth plan.

Section 4.03 CITY ATTORNEY

- A. The City Council shall appoint an attorney(s) licensed to practice law in the State of Texas as City Attorney(s), who shall not serve or provide services to those municipalities that fall within the Extra Territorial Jurisdiction (E.T.J.) of the City of Socorro (nor shall the City Attorney have a personal interest as outlined in Section 3.21). The City Attorney(s) shall serve at the will and pleasure of the City Council and may be terminated at any time. The City Attorney(s) will be entitled to compensation as established by the City Council.
- B. The duties of the City Attorney(s) shall be to:
 - 1. Serve as legal advisor to the City Council, City Manager, all offices, departments and agencies of the City, and to all officers and employees of the City in matters relating to their official duties;
 - 2. Represent the City in all legal proceedings, unless special council is approved to represent the City interest;
 - 3. Perform all services incident to his or her position as may be required by statute, this Charter, ordinance, or as directed by the City Council.
- C. The City Council may retain special counsel at any time it deems such action appropriate or necessary.
- D. Attorney(s) who are employees of the City must give a financial disclosure upon interview, and from time-to-time as requested by the City Council.

Section 4.04 MUNICIPAL COURT

- A. There is hereby established a court designated the Municipal Court of the City of Socorro.

- B. The Municipal Court shall have jurisdiction within the territorial limits of the City for the trial of misdemeanor offenses with all powers and duties granted by the Laws of the State of Texas. The Municipal Court has jurisdiction over those matters provided by City ordinance in addition to those powers conferred by State Law.
- C. The Judge(s) of the Municipal Court shall be appointed by the City Council, based on the recommendations of the City Manager. The appointment shall take place within thirty (30) days following the general election of said City Council and will be for a term of two (2) years. The Municipal Court Judge(s) shall be qualified and shall be a resident of El Paso County, Texas. The Municipal Court Judge(s) will serve at the will and pleasure of the City Council/City Manager and may be terminated at any time. The Judge(s) of the Municipal Court shall be qualified and his or her compensation shall not be reduced during the term of office for which the Judge(s) was appointed.
- D. In the absence or disability of a Judge, the City Council may appoint an interim judge who shall be qualified and who shall reside in the City of Socorro to preside over the Municipal Court.
- E. All costs and fines collected by the Municipal Court shall be paid to the City Treasury for the use and benefit of the City.
- F. The style of all writs issued out of the Municipal Court shall be in the name of "The City of Socorro." All jurors shall be residents of said City and otherwise possess the same qualifications as jurors in the State Courts, and they shall be summoned in the same manner as provided for in Justice Courts.
- G. The Municipal Court of the City shall always be separate and apart from all departments of the City.

Section 4.05 POLICE DEPARTMENT

The City Council shall create a Police Department by ordinance.

- A. The Chief of Police shall be the Chief administrative officer of the Police Department.
- B. The Chief of Police shall be a certified peace officer in accordance with the requirements of the State of Texas.
- C. The Chief of Police shall be a classified employee of the City subject to Civil Service rules and regulations.
- D. The City Manager shall recommend one or more candidates to the City Council to serve as the Chief of Police. After considering the City Manager's recommendation(s), the City Council shall select the Chief of Police by a majority vote of the entire City Council.

- E. The Chief of Police shall be fully responsible to the City Council and City Manager for the administration of the department. The Chief of Police shall perform such duties as may be required of him or her by the City Council and City Manager in accordance with applicable ordinances and State Law.

Section 4.06 FIRE DEPARTMENT

The City Council may create a Fire Department as deemed necessary according to population growth.

- A. The Fire Chief shall be the Chief administrative officer of the Fire Department.
- B. The Fire Chief shall be a classified employee of the City subject to the Civil Service rules and regulations.
- C. The City Manager shall recommend one or more candidates to the City Council to serve as Fire Chief. After considering the City Manager's recommendation (s), the City Council shall select the Fire Chief by a majority vote of the entire City Council.
- D. The Fire Chief shall be fully responsible to the City Council and City Manager for the administration of the department. The Fire Chief shall perform such duties as may be required of him or her by the City Council and City Manager in accordance with applicable ordinances and State Law.

ARTICLE V

PUBLIC FINANCE

Section 5.01 FISCAL YEAR

The fiscal year of the City shall begin on October 1, each year and end on the following September 30. The fiscal year may be changed by the City Council by ordinance, provided that no change shall be effective until six (6) months after the passage of such ordinance.

Section 5.02 SUBMISSION OF BUDGET AND BUDGET MESSAGE

No later than forty-five (45) days prior to the close of the fiscal year, the City Manager shall submit to the City Council a budget for the ensuing fiscal year and an accompanying message.

The City Manager's message shall explain the budget, both in fiscal terms and in term of work programs. It shall:

1. outline the proposed financial policies of the City for the ensuring fiscal year;
2. describe the important features of the budget;
3. indicate any major changes from the current year in financial policies, expenditures, and revenues, and the reasons for such changes;
4. summarize the City's debt position; and
5. include such other material, as the City Manager deems appropriate.

Section 5.03 BUDGET

- A. The budget shall provide a complete financial plan of all City funds and activities for the ensuing fiscal year and, except as required by law or this Charter, shall be in such form as the City Manager deems necessary or the City Council may require.
- B. In organizing the budget, the City manager shall utilize the most feasible combination of expenditure classification by fund, organization unit, program, purpose or activity, and object. It shall begin with a clear general summary of its contents and shall state in detail:
 1. all estimated income, indicating the proposed property tax levy and all proposed expenditures, including debt service, for the ensuing fiscal year;
 2. comparative figures for actual and estimated income and expenditures of the current fiscal year;
 3. actual income and expenditures of the preceding fiscal year;
 4. any other item(s) required by State Law to be included in the budget.
- C. The budget shall indicate, in separate sections:

1. estimated revenues for operations during the ensuing fiscal year, detailed by source;
 2. proposed expenditures for current operations during the ensuing fiscal year, detailed by offices, departments, and agencies in terms of their respective work programs;
 3. proposed capital expenditures during the ensuing fiscal year, detailed by offices, department, and agencies when practicable, and the proposed method of financing each capital expenditure; and
 4. anticipated net surplus or deficits for the ensuing fiscal year of each enterprise owned or operated by the City and the proposed method of its disposition.
- D. Subsidiary budgets for each enterprise, giving detailed income and expenditure information, shall be attached as appendices to the budget.
- E. The total of proposed expenditures shall not exceed the total of estimated income plus any accumulated surplus.

Section 5.04 CITY COUNCIL ACTION ON BUDGET

- A. The City Council shall publish in one or more newspapers of general circulation in the City, the general summary of the budget, and a notice stating:
1. the times and places where copies of the message and budget are available for inspection by the public; and
 2. the time and place, not less than two weeks, after such publication for a public hearing on the budget.
- B. After the public hearing, the City Council may adopt the budget with or without amendment. In amending the budget, it may add or increase programs or amounts and may delete or decrease any program or amounts, except expenditures required by law or for debt service, provided that no amendment to the budget shall increase the authorized expenditures to an amount greater than the total of estimated income plus any accumulated surplus.
- C. The City Council shall adopt the budget on or before the fifteenth (15th) day of the twelfth (1P) month of the fiscal year currently ending, provided that if the City Council takes no final action or prior to such day, the budget as submitted by the City Manager shall be deemed to have been finally adopted by the City Council.
- D. Adoption of the budget shall constitute appropriations of the amounts specified therein for expenditures from the funds, indicated. The property tax rate shall be set by ordinance in accordance with State Law

Section 5.05 APPROPRIATION AND REVENUE ORDINANCES

Appropriation and Revenue Ordinances. To implement the adopted budget, the City Council shall adopt the following prior to the beginning of the ensuing fiscal year.

- A. Ordinance Adopting Budget. An ordinance shall be made adopting the budget and making the appropriations set forth therein by department or major organizational unit and authorizing a single appropriation for each program, capital project or activity.
- B. Tax Levy Ordinance. A tax levy ordinance shall be made authorizing the property tax levy or levies and setting the tax rate or rates.
- C. Revenue Ordinances. Any other ordinances required to authorize new revenues or to amend the rates or other features of existing taxes or other revenue sources shall be made.

Section 5.06 BUDGET AMENDMENTS AFTER ADOPTION

- A. If during the fiscal year, the City Manager certifies that there are available for appropriation, revenues in excess of those estimated in the budget, the City Council, by ordinance, may make supplemental appropriations for the year, up to the amount of the excess.
- B. To meet a public emergency, as defined by State Law, the City Council may make emergency appropriations. Such appropriations may be made by emergency ordinance in accordance with the provisions of Article III, Section 3.16 of this Charter. To the extent that there are no available unappropriated revenues to meet such appropriations, the City Council may, by emergency ordinance, authorize the issuance of emergency notes, which may be renewed from time to time. The emergency notes and renewal of those notes during any fiscal year shall be paid no later than the last day of the current fiscal year.
- C. If at any time during the fiscal year, it appears probable to the City Manager that the revenues available will be insufficient to meet the amount appropriated, he/she shall report to the City Council without delay, indicating the estimated amount of the deficit, any remedial action taken, and recommendations as to any other steps to be taken.
- D. At any time during the fiscal year, the City Manager may transfer part or all of any unencumbered appropriation balance among programs within a department, office, or agency, but no funds may be transferred to increase a salary appropriation without the approval of the City Council. Upon written request by the City Manager, the City Council shall by ordinance, transfer part or all of any unencumbered appropriation balance from one department, office, or agency to another.
- E. No appropriation for debt service may be reduced or transferred, and no appropriation may be reduced below any amount required by law or ordinances to be appropriated or by more than the amount of the unencumbered balance thereof. The supplemental and emergency appropriations and reduction or transfer of

appropriations authorized by this section may be made effective immediately upon adoption.

Section 5.07 LAPSE OF APPROPRIATIONS

Every appropriation, except an appropriation for a capital expenditure, shall lapse at the close of the fiscal year to the extent that it has not been expended or encumbered. An appropriation for a capital expenditure shall continue until expended, revised or repealed. The purpose of any such appropriation shall be deemed abandoned, if three (3) years pass without any disbursement from or encumbrance of the appropriation.

Section 5.08 CAPITAL PROGRAM

- A. The City Manager shall prepare and submit to the City Council a five-year capital program, at least three months prior to the final date for submission of the annual budget.
- B. The capital program shall include:
 - 1. a clear general summary of its contents;
 - 2. a list of all capital improvements which are proposed to be undertaken during the five fiscal years next ensuing, with appropriate supporting information as to the necessity for such improvements;
 - 3. cost estimate, methods of financing and recommended time schedules for each such improvements; and
 - 4. the estimated annual cost of operating and maintaining the facilities to be constructed or acquired.
- C. The capital program shall be revised and extended each year with regard to capital improvements still pending or in process of construction or acquisition.

Section 5.09 CITY COUNCIL ACTION ON CAPITAL PROGRAM

- A. The City Council shall publish, in one or more newspapers of general circulation in the City, the general summary of the capital program and a notice stating:
 - 1. the times and places where copies of the capital program are available for inspection by the public; and
 - 2. the time and place not less than two weeks after such publication, for a public hearing on the capital program.
- B. The City Council by resolution shall adopt the capital program with or without amendment after the public hearing and on or before the fifteenth day of the twelfth month of the current fiscal year.

Section 5.10 PUBLIC RECORDS

Copies of the budget and the capital program as adopted shall be public record and shall be available to the public at suitable places in the City.

Section 5.11 OVERSPENDING OF APPROPRIATIONS PROHIBITED

- A. No payment shall be made or obligation incurred against any allotment or appropriation, except in accordance with appropriations duly made, and unless the City Manager or the City Manager's designee first certifies that there is a sufficient unencumbered balance in such allotment or appropriation, and that sufficient funds therefore are or will be available to cover the claim or meet the obligation when it becomes due and payable.
- B. Any authorization of payment or incurring of obligation in violation of the provisions of this Charter shall be void, and any payment so made shall be illegal. Such action shall be cause for removal of any elected or appointed officer who knowingly authorized or made such payment, or incurred such obligation, and he or she shall also be liable to the City for any amount so paid.
- C. All purchases made and contracts executed by the City shall be in accordance with the requirements of the Constitution and laws of the State of Texas.

Section 5.12 ACCOUNTING AND REPORTING PRECEDIRES

The City shall adopt an accounting manual prepared by the City Manager, which shall provide procedures to be followed in detail for recording and reporting of financial transactions. Changes in such accounting manual may be made, as may from time to time be necessary, by the City Manager, providing such changes do not weaken controls as may be advised by the auditor. Accounting controls shall be adequate to protect the assets of the City, but shall not be restrictive beyond the value of the assets being controlled.

Section 5.13 AUTHORITY TO ISSUE BONDS

The City Council shall have the power and authority to issue all tax bonds, revenue bonds, funding and refunding bonds, warrants, time warrants, notes and other evidence of obligation, as may be authorized by the Constitution and laws of the State of Texas and as prescribed by this Charter.

Section 5.14 AUTHORITY TO LEVY TAXES

The City Council may levy taxes of any type and amount not prohibited by the laws and Constitution of the State of Texas or other provisions of this Charter, The City may assess, levy and collect taxes for general and special purposes on all lawful subjects of taxation.

Section 5.15 COLLECTION OF TAXES

- A. The City Manager may, subject to approval by a majority of the full City Council, appoint an individual as City Tax Collector to collect taxes. The Tax Collector shall furnish a fidelity bond, the cost to be borne by the City. The amount of such bond shall be set by the City Council, but shall not be less than the amount of tax collections under his or her control at any one time.
- B. As an alternative to appointing a City Tax Collector, the City Council may contract with the City of El Paso, County Tax Assessor-Collector or with any other Tax Assessor-Collector to collect taxes for the City.
- C. All taxes due the City shall be payable at the office of the designated Tax Collector or Assessor-Collector.

Section 5.16 DEBT SERVICE FUND

Debt Service Funds, created for the retirement of bonds or other authorized indebtedness shall be deposited in separate accounts in the City depositories, and shall not be used except to pay interest and principal on those bonds or other authorized indebtedness. These debt service funds may be invested as allowed by the laws of the State of Texas

ARTICLE VI

ELECTIONS

Section 6.01 REGULAR ELECTIONS

Regular City elections shall be held on the first Saturday in May, or on the closest date to the first Saturday in May permitted by the laws of the State of Texas.

Special Elections. The City Council by ordinance may call special elections as required or authorized by the laws of the State of Texas or this Charter; fix the time and place of holding these elections, and provide all means for holding such special elections, provided that every special election shall be held on a Saturday, or a uniform election date, unless otherwise provided by law or this Charter, except as required by this Charter or State Law, every special election shall be called and held as nearly as practicable according to the provisions governing regular elections.

Section 6.02 QUALIFIED VOTERS

All citizens qualified by the Constitution and laws of the State of Texas to vote in the City shall be qualified voters of the City.

Section 6.03 REGULATION OF ELECTIONS

All municipal elections shall be held in accordance with the provisions of the general laws of Texas regulating the holding of elections. The City Council may by ordinance make rules and regulations consistent with this Charter or the general laws of the State of Texas for the conduct of elections or for the prevention of fraud in elections.

Section 6.04 FILING FOR OFFICE

- A. Any qualified citizen, who desires to become a candidate for City office, shall file with the City Secretary, a signed application for his or her name to appear on the ballot. This application must be filed in accordance with the laws of the State of Texas.
- B. In addition to all General Requirements for Application for a place on the ballot, as specified in the Texas Election Code, or any other requirements specified in the laws or Constitution of the State of Texas, a candidate must possess the qualifications specified in Section 3.02 of this Charter.
- C. Any elected City official who applied to become a candidate for an office or place, other than the one currently held, must resign, if the scheduled term of the office or place currently held would overlap with the one for which application is being made. The resignation must be announced at least thirty (30) days prior to the filing

deadline, and the effective date of the resignation must be no later than the date of the related election. Any vacancy created by such resignation shall be filled at the related election.

Section 6.05 ELECTION BY MAJORITY

At any regular or special election for any position on the City Council, the candidate for each position who receives a majority of votes shall be declared elected. If no candidate receives a majority of votes, the two candidates who received the most votes shall participate in a runoff election in accordance with Texas Law.

Section 6.06 VOTER REGISTRATION LIST

The City Secretary shall obtain and maintain, from time to time as necessary and useful for the conduct of the City elections or other business of the City, a certified list of registered voters within the City as prepared by the County official having the responsibility for voter registration. Any organization, group or person has a right to copy the most current list of registered voters in the possession of the City Secretary.

ARTICLE VII

INITIATIVE, REFERENDUM AND RECALL

Section 7.01 INITIATIVE

General. The voters reserve the power of Initiative, Referendum and Recall, which may be exercised in the manner and subject to the limitations provided by this Article.

- A. The votes of this City shall have the power to propose any ordinance, including an ordinance appropriating money or authorizing the levy of taxes, or one repealing such an ordinance, and to adopt or reject the same at the polls. The voters of the City shall have the power to propose any ordinance, including legislation on any local government issue, to include legislation appropriating money, levying taxes, affecting zoning, annexing land, or setting rates, fees or charges. If the City Council fails to adopt an ordinance or propose to adopt or reject the proposed legislation at an election, an initiated ordinance will be submitted by petition.
- B. Any initiated ordinance may be submitted to the City Council by a petition signed by registered or qualified voters of the City equal in number to at least twenty five (25%) percent of the number of registered voters, or three hundred (300), whichever is greater.
- C. Initiative petitions shall contain the full text of the proposed ordinance.
- D. Such ordinance may be passed by the City Council without change, or must be submitted to the voters at an election called for that purpose and held in compliance with the Texas Election Code.

Section 7.02 REFERENDUM BY VOTERS

- A. The votes of this City shall have the power to approve or reject at the polls any ordinance passed by the City Council, including any ordinances appropriating money, authorizing the levy of taxes, or authorizing the issuance of either tax or revenue bonds, whether original or refunding, except for bonds that have been legally awarded or sold to a successful bidder or other legal obligations.
- B. The petition for Referendum shall require the same number and qualifications of signers as required by this Charter for an initiative petition.
- C. A Referendum petition must contain sufficient description of the ordinance to positively identify it.

- D. A Referendum petition must be filed with the City Clerk within thirty (30) days after the final passage of the ordinance, which is the subject of the referendum, or the petition shall be barred by the lapse of time.
- E. When such petition has been certified as sufficient by the City Clerk, the ordinance shall not go into effect, or, if it has gone into effect, further enforcement or action thereunder shall be suspended unless and until such ordinance is approved by the voters as herein provided.

Section 7.03 REQUIREMENTS OF PETITION

Any five (5) registered voters may begin Initiative, Referendum, or Recall proceedings by filing with the City Clerk, an affidavit stating they constitute the petitioners' committee and will be responsible for circulating the petition and filing it in a proper form, stating their names and addresses, and setting out in full the proposed Initiative ordinance, ordinance to be reconsidered or official to be recalled.

Petitions shall contain, or have attached to them, an accurate legible copy of the ordinance proposed or sought to be reconsidered. The signatures to the initiative or Referendum need not all be appended to one paper, but signers shall sign their names in ink and shall add their printed names, place of residence by street and number, date of birth, voter registration number, and date of signing. The circulators of each petition page shall make an affidavit stating they personally circulated the page of the petition, and that each signature is the genuine signature of the person as written, and further, that no signature shall have been placed there more than forty-five (45) days prior to the filing of the petition. Petitions shall be returned to the City Clerk for filing within forty-five (45) days after the issuance of the appropriate forms to the petitioner's committee.

Section 7.04 FILING, EXAMINING AND CERTIFYING PETITIONS

Within fifteen (15) business days after an Initiative or Referendum petition is filed, the City Clerk shall determine whether it is properly signed by the requisite number of registered voters residing within the City. The City Clerk shall invalidate any petition paper, which does not have both the required information and the affidavit attached thereto as required. The City Clerk shall examine the petition and indicate the names of signers found not qualified. The City Clerk shall certify the result of the petition.

If the Certificate of the City Clerk shows an Initiative or Referendum petition to be insufficient, the City Clerk shall notify in writing the persons filing the petition.

The written notification shall detail the defects that must be corrected if the petition is to be found sufficient. The petition may then be amended within fifteen (15) days from the date of such notice by the filing of a supplementary petition with any additional papers that are signed and filed as prescribed for the original petition. Within fifteen (15) business days after the amendment is filed, the City Clerk shall examine the amended petition and certify as to its sufficiency.

If the amended petition is then found to be insufficient, no further proceedings shall be had with regard to it.

Section 7.05 PUBLICATION OF INITIATED AND REFERRED ORDINANCES

The City Clerk shall publish at least once in a newspaper of general circulation in the City of Socorro any Initiated or Referred ordinance. Such publication shall be within fifteen (15) days prior to the date of the election and the City Clerk shall give other notices and do other things that are required by law or by ordinance or resolution calling such elections.

Section 7.06 COUNCIL CONSIDERATION AND SUBMISSION TO VOTERS

- A. If the City Clerk receives an authorized initiative petition certified by the City Clerk to be sufficient, the City Council shall:
 - 1. Adopt without Amendment. Adopt the initiated ordinance without amendment within thirty (30) days after the date of the certification to the City Council;
 - 2. Order Special Election. Submit the initiated ordinance without amendment to a vote of the qualified voters of the City at a special election to be held on the first available uniform election date, for which the required election notice may be given, that is sixty (60) days or more after the certification to the City Council, or as soon thereafter as permitted by the laws of the State of Texas; or
 - 3. Submit Alternative Ordinance. At the election, as described in subsection 7.06(A)(2), submit to vote of qualified voters of the City the initiated ordinance without amendment along with the alternative ordinance on the same subject proposed by the City Council. The Ordinance receiving the higher number of affirmative votes shall be effective as an ordinance of the City. The other ordinance shall be considered rejected and shall not be effective.
- B. If the City Council receives an authorized Referendum petition certified by the City Clerk to be sufficient, the City Council shall reconsider the referred ordinance. If upon reconsideration the ordinance is not repealed within thirty (30) days, it shall be submitted to the qualified voters of the City at a special election. Such special election shall be held on the first available uniform election date for which the required election notice may be given that is sixty (60) days or more after the date of the certification to the City Council or as soon thereafter as permitted by the laws of the State of Texas.
- C. Special elections or initiated or referred ordinances shall be held as required by this Charter and not inconsistent with State Law. No ordinance on the same subject as

an initiated ordinance that has been defeated or on the same subject as a referred ordinance that has been approved at any election may be initiated by the voters within two (2) years from the date of the election.

Section 7.07 REFERENDUM BY CITY COUNCIL

- A. In the absence of a petition, the City Council shall have the authority to submit a proposed ordinance to the voters.
- B. If the City Council specifies that the election is binding, and if the voters approve the proposed ordinance, then the ordinance is adopted, at the time the Council formally approves the ordinance in the manner set forth herein.
- C. If the City Council specifies that the election is non-binding, then the results of the election are only to supply information and guidance to the City Council, and the proposed ordinance is neither approved nor rejected.

Section 7.08 SUBMISSION TO VOTERS

- A. Ballot forms and Results of Elections. The ballot used in voting upon an initiated or referred ordinance shall state the caption of the ordinance and below the caption shall set forth on separate lines the words "For the Ordinance" and "Against the Ordinance." Any number of ordinances may be voted upon at the same election in accordance with the provisions of this Charter. Any ordinance submitted and receiving an affirmative majority of the votes cast shall then become effective as an ordinance of the City. An ordinance so adopted may be repealed or amended at any time after the expiration of two (2) years by an affirmative vote of three (3) or more of the City Council members. A referred ordinance that is rejected by a majority of the voters is repealed.
- B. An Initiative or Referendum election shall be held within sixty (60) days from the date the City Council takes its final vote on the proposed or referred ordinance or at the earliest date thereafter permitted by the Texas Election Code.

Section 7.09 RESULTS OF ELECTION

- A. A majority vote in favor of a proposed initiative ordinance shall constitute its adoption as a City ordinance.
- B. If two or more ordinance with conflicting provisions are approved by the voters, the ordinance receiving the greater number of votes shall be adopted and the conflicting ordinance or ordinances shall be rejected.
- C. A majority vote to reject a referred ordinance shall result in the repeal of said referred ordinance.

Section 7.10 PUBLICATION OF INITIATIVE AND REFERENDUM ORDINANCES

Initiative and Referendum ordinances shall be published in the same manner as those adopted by the City Council.

Section 7.11 FRANCHISE ORDINANCE EXEMPT FROM INITIATIVE REFERENDUM

Franchise ordinances of the City are exempt from Initiative and Referendum petitions.

Section 7.12 RECALL

- A. The votes of this City shall have the power to recall any member of the City Council, including the Mayor, and may only exercise such power by filing with the City Clerk, a petition, which shall be signed by the registered and qualified voters of the City as specified below, and verified by the City Clerk. The recall petition must state the reason for the removal of the elected official. All members of the recall committee must be qualified voters in the district of the officer proposed to be recalled,
 - 1. for a position elected from City At-large, by a number of such voters equal to at least thirty percent (30%), of the number of registered voters in the City or five hundred (500), whichever is greater; or
 - 2. for a position elected from a district, by a number of such voters equal to at least thirty percent (30%) of the number of registered voters in the City or five hundred (500), whichever is greater.
- B. Within twenty (20) business days after a recall petition is filed, the City Clerk shall determine whether it is properly signed by the requisite number of registered voters residing within the City and shall verify the petition as sufficient or insufficient. If the certificate of the City Clerk shows a recall petition to be insufficient, the City Clerk shall notify in writing, the persons filing the petition.
- C. The written notification shall detail the defects that must be corrected if the petition is to be found sufficient. The filing of a supplementary petition and the submitting of additional papers that are signed and filed as prescribed for the original petition may then amend the petition within fifteen (15) days from the date of such notice. Within twenty (20) business days after the amendment is filed, the City Clerk shall examine the amended petition and certify to its sufficiency. If the amended petition is then found to be insufficient, no further proceedings shall be had with regard to it. A separate petition shall be required for each officer to be recalled.
- D. The City Clerk shall immediately notify the officer whose removal is sought by registered mail.

- E. If the recall petition is certified by the City Clerk to be sufficient, the City Council shall order and hold, an election within sixty (60) days or as soon thereafter as shall be permitted by State Law to determine whether the officer shall be recalled.

Section 7.13 FORM OF RECALL PETITION

The recall petition must be addressed to the City Council and must distinctly and specifically point out the ground(s) upon which such petition for removal is predicated. The signature shall be verified by oath in the following form:

ARTICLE VII

INITIATIVE REFERENDUM AND RECALL

CITY OF SOCORRO

STATE OF TEXAS

Section 7.13

I, _____, before first duly sworn, on oath, depose and say that I am one of the signers of the above petitions, that the statements made therein are true, and based on my personal knowledge, and that each signature appearing thereto, was made in my presence, on the 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 and that no signature was placed on said petitions more than forty-five (45) days after the initial issuance of the petition forms to the petitioner committee.

Sworn and subscribed to before me this ____ days of _____, _____.

Notary Public in and for the State of Texas

Section 7.14 PUBLIC HEARING ON RECALL PETITION

The officer whose removal is sought by a recall petition, 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 or her to present fact pertinent to the circumstance or details 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 7.15 RECALL ELECTION

- A. If the officer whose removal is sought does not resign, and if the recall petition is certified by the City Clerk to be sufficient, the City Council shall order and hold, or cause to be held, an election to determine whether the officer shall be recalled.
- B. A recall election shall be held within thirty (30) days from the date the petition was submitted to the City Council or from the date of public hearing, if one was held, whichever is later, or at the earliest date thereafter permitted by the Texas Election Code.

Section 7.16 BALLOTS FOR 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 as follows: Shall (name of person) be removed from the officer 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 order indicated as follows:

- | | | |
|----------------------------------|---|--------------------------------|
| <input type="checkbox"/> FOR |) | |
| |) | The recall of (name of person) |
| <input type="checkbox"/> AGAINST |) | |

Section 7.17 RESULTS OF RECALL ELECTION

If the majority of the legal registered votes cast at a recall election for the recall of the officer named on the ballot, the City Council shall certify the results and immediately declare his or her office vacant. Such vacancy shall be filled in accordance with the provisions of this Charter.

Section 7.18 LIMITATIONS ON RECALL

No recall petition shall be filed against an officer within six (6) months after he or she takes office, or six (6) months after an election for such officer's recall.

Section 7.19 FAILURE OF COUNCIL TO CALL AN ELECTION

When all requirements of this Charter shall have been met and the City Council fails to refuse to receive a Recall, Initiative, or Referendum petition, or order such Recall, Initiative, or Referendum election, or discharge other duties imposed upon the City Council by the provisions of this Charter with reference to such Recall, Initiative, or Referendum, then any voter registered to vote in City elections shall be entitled to petition the District Court of El Paso County, Texas for a Declaratory Judgment, Mandatory Injunction or

Mandamus or other relief to order the City Council to call the election and to enforce the carrying into effect the provisions of this Article.

Section 7.20 FORMS OF PETITIONS

- A. All papers necessary for the filing of petitions to be circulated for Initiative, Referendum, or Recall, must be obtained from the City Clerk. The petition forms shall be available at the City Clerk's office at all reasonable times and will be dated and signed by the City Clerk when issued.
- B. The signatures to Initiative, Referendum, or Recall petitions need not be appended to one paper, but all papers constituting a single petition shall be assembled and filed with the City Clerk as one instrument. The petition must be accompanied by an affidavit made by the person filing such petition, that the petition bears a stated number of signatures, and that all signatures, appended thereto are, in the City Clerk's belief, the genuine signatures of the persons whose name they claim to be. All signatures must be in ink. Names and addresses of the signers of such petitions and their precinct number and voter registration certificate serial number or other document prescribed by the Laws of the State of Texas to identify qualified voters shall be printed in ink, adjacent to the signatures.
- C. Petitions for Initiative, Referendum, or Recall shall be filed with the City Clerk. Within twenty (20) business days after such petition is filed, the City Clerk shall determine whether such petition is signed by a sufficient number of qualified voters and whether it has proper affidavit attached of the person filing same. After completing examination of such petition, the City Clerk shall certify the result thereof to the City Council at its next regular meeting. If such petition is insufficient, the City Clerk shall set forth the particulars in which it is defective, and shall at once, notify the person who filed it by registered mail.

Section 7.21 AMENDMENT OF PETITION

An Initiative, Referendum, or Recall petition may be amended at any time within fifteen (15) days after the notice of insufficiency has been sent by the City Clerk, by filing a supplementary petition, and the same procedures shall then be followed by the City Clerk and Council as in the case of an original petition.

ARTICLE VIII

FRANCHISE AND PUBLIC UTILITIES

Public Utilities, Public Services and Proprietary Enterprises. The City shall have the power to buy, construct, lease, maintain, operate and regulate public utilities of every character serving the City. Such power shall include, but not be limited to persons or entities providing electricity, gas, water, sewage, or fiber cable services or any similar commodity or utility to the public, and public services of every character, including but not limited to, ambulance services, cable television services, transportation services, any communications services, sanitation services, recreation facilities, airport, cemetery and any other service or proprietary enterprise using the public streets or established and dedicated utility easements within the City to provide service or to manufacture, distribute and sell the output of such utility, public service or proprietary enterprise operations. The City shall have all additional powers as provided by ordinance to control, regulate and provide any public utility, public service or to manufacture, distribute and sell the output of such utility, public service or proprietary enterprise operations. The City shall have all additional powers as provided by ordinance to control, regulate and provide any public utility, public service or proprietary enterprise not inconsistent with the Constitution, and the Laws of the State of Texas, except as authorized by ordinance for areas to be serviced by the City. The City shall not provide any public utility, public service or proprietary enterprise outside the City limits, except by written contract with the prospective customer requesting such services and only when the provision of such services appears to be in the best interest of the City.

Section 8.01 POWER TO GRANT FRANCHISE

The City shall have the power by ordinance to grant, amend, renew and extend all public utilities, public service and proprietary enterprise franchises of every character operating and using the public streets and established and dedicated utility easements within the City of Socorro. No public utility, public service, or proprietary enterprise, other than the City of Socorro, shall use the streets and right of ways or established and dedicated utility easements of the City to provide services without first obtaining a franchise from the City. All ordinances granting amending, renewing, or extending franchise shall be read at two (2) regular meetings of the City Council. No such ordinance shall take effect until thirty (30) days after final passage.

Pending such time the full text of such ordinance shall be published once each week for two (2) consecutive weeks in a newspaper of general circulation in the City of Socorro. The expense of such publication shall be borne by the proponent of the franchise. No public utility, public service, or proprietary enterprise shall be granted, renewed, or extended for an indeterminate period or for a term of more than twenty (20) years nor be transferable except with the approval of the City Council expressed by Ordinance. No grants to construct maintain or operate a public utility, public service, or proprietary enterprise franchise, and no renewal or extension of such grant shall be exclusive.

Section 8.02 FRANCHISE EXTENSION

All extensions of public utilities within the City limits shall become a part of the aggregate property of the public utility, shall be operated as such, and shall be subject to all the obligations and reserved 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 in the event the public utilities violate the franchise ordinances, termination shall be considered by the City Council.

Section 8.03 TRANSFER OF FRANCHISE

No public utility franchise may be transferred or assigned by the holder except with the approval of the City Council.

Section 8.04 REGULATION OF FRANCHISE

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

- A. Repeal the same by ordinance at any time for failure to begin construction or operation within the time prescribed or for failure otherwise to comply with the terms of the franchise, such power to be exercised only after due notice and hearing;
- B. Require an adequate and reasonable extension of facilities and service, and the maintenance of facilities and fixtures at a standard so as to render the highest reasonable quality of utility service to the public;
- C. Establish reasonable standards of service and quality of service and prevent unjust discrimination in service or rates;
- D. Require franchise holders to keep records that accurately reflect the value of the franchise holder's property used in rendering its service to the public and which reflect the franchise holders expenses, revenues and profits of all kinds;
- E. Impose such reasonable regulations and restrictions as may be deemed desirable or conducive to the safety, welfare, and accommodation of the public;
- F. Require franchise holders to furnish the City, without cost to the City, full information regarding the location and precise description of all facilities of the franchise holder in, over, or under the City, and to regulate and control the location, relocation, and removal of the facilities;
- G. Examine and audit at any time during normal business hours, the accounts and record of the franchise holder; and
- H. Require, at any time, such compensation and rental as may be permitted by the laws of the State of Texas or as may be negotiated by the parties, in the franchise.

Section 8.05 FRANCHISE RECORDS

The City shall compile and maintain a public record of all franchise granted by the City, including any extensions or amendments to such franchise grants.

ARTICLE IX

GENERAL PROVISIONS

Section 9.01 PERSONAL INTEREST

- A. No member of the City Council or any officer, or employee of the City shall engage in self-dealing or have a financial interest, direct or indirect, in any contract with the City, or in the sale to the City, or to a contractor supplying the City, of any land or rights or interest in any land, material, supplies or service, except on behalf of the City as an officer or employee. The City Council shall never authorize the expenditure of public funds for the development of a privately owned subdivision. Any willful violation of this section shall constitute malfeasance in office, and any officer or employee of the City found guilty thereof, shall thereby forfeit his or her office or position. Any violation of this section with the knowledge, expressed or implied of the person or corporation contracting with the City shall render the contract voidable by the City Manager or the City Council.
- B. Nepotism. No person related within the second degree by affinity or within the third degree by consanguinity to members of the City Council or Mayor shall be appointed to any office, position, or service in the City, but this provision shall not effect officials or City employees who are already employed by the City, or have been City employees for six (6) months or longer at the time of the election of the Mayor or Council member.
- C. No officer or employee of the City shall ever accept, directly or indirectly, any gift, favor, privilege, or employment valued over twenty-five dollars (\$25.00) from any firm, individual, or corporation doing business or proposing to do business with the City. Any officer or employee of the City who violates the provisions of this section shall be guilty of a misdemeanor and may be punished by any fine or penalty as may be prescribed by ordinance for this offense, and shall forthwith be removed from his or her office or position. This section does not prohibit the giving of gifts where the donor and recipient are kin by blood or marriage.
- D. All elected and appointed officials and the employees with decision making power, shall disclose any relationship, direct or indirect, to any entity submitting bids to the City by written affidavit filed with the City Clerk and shall thereafter abstain from deliberating and/or voting on the matter.

Section 9.02 CLAIMS AGAINST THE CITY

Before the City shall be liable to a damage claim, suit for personal injury, or damage to property, the person who is injured or whose property has been damaged, or someone on behalf of the person, shall give the City Manager or the City Clerk notice in writing duly verified, within six (6) months after the date of the alleged injury or damage. The notice shall state specifically when, where, and how the injury or damage was sustained, setting

forth the extent of the injury or damage as accurately as possible, and giving the names and addresses of all witnesses known to the claimant upon whose testimony the claimant is relying to establish the injury or damage. In case of injury resulting in death, the person(s) claiming damage shall, within six (6) months after the death of the injured person, give notice as required above. Nothing in this section shall be construed to mean that the City waives any rights, privileges, defenses, or immunities in tort action which are provided under the common law, the laws of the State of Texas, and the State Constitution.

Section 9.03 LIENS, ASSIGNMENTS, EXECUTION AND GARNISHMENT

The real and personal property belonging to the City shall not be liable for sale or appropriation under any writ or execution or cost bill, and no lien of any kind shall ever exist against any such property owned by the City, except if the lien is created or authorized by this Charter or State Law. The funds belonging to the City in the hands of any person, firm, or corporation, shall not be liable to garnishment, attachment, or sequestration. The City shall not be liable to garnishment of accounts of any debt it may owe, or funds for 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 such writ or garnishment on any account whatsoever. The City shall not be obligated to recognize any assignment of wages or funds by its employees, agents, or contractors, except by court order.

Section 9.04 SEVERABILITY

If any provision of this Charter are held invalid, the other provisions of the Charter shall not be affected thereby. If the application of the Charter or any of the its provisions to any person or circumstance is held invalid, the application of the Charter and its provisions to other persons or circumstances shall not be affected thereby.

Section 9.05 CHARTER AMENDMENT

This Charter may be amended by a vote of the qualified voters of the City, in compliance with the laws and Constitution of the State of Texas. The election may be called directly by the City Council, as the result of a petition submitted by qualified voters of the City, as specified by State Law, or by any other means permitted by the laws and Constitution of the State of Texas.

ARTICLE X

TRANSITIONAL PROVISIONS

Section 10.01 OFFICERS AND EMPLOYEES

Nothing in this Charter, except as otherwise specifically provided, shall affect or impair the rights or privileges of persons who are City officers or employees at the time of its adoption.

Section 10.02 PENDING MATTERS

All rights, claims, actions, orders, contracts, and legal administrative proceedings shall continue except as modified pursuant to the provisions of this Charter.

Section 10.03 EFFECT OF THE CHARTER ON EXISTING LAW

- A. All City ordinances, rules, and regulations in force on adoption of this Charter and not in conflict with it, shall remain in force until altered, amended, or repealed by the City Council. All rights of the City under existing franchises and contracts are preserved in full force and effect.
- B. Any ordinance, rules, or regulations inconsistent with this Charter are repealed as of the date of adoption of the Charter to the extent of the inconsistency.
- C. Any laws, ordinances, rules, or regulations applicable to Special Law Charter Cities in the State of Texas, shall be superseded upon adoption of this Charter and preclearance thereof by the Department of Justice.
- D. All taxes, assessments, liens, encumbrances, and demands of, or against the City fixed or established, before the effective date of this Charter, or for the fixing or establishing of which proceedings had begun prior to such date, shall be valid when properly fixed or established under the law in force at the time of the beginning of such proceedings or under the law after adoption of this Charter.

ARTICLE XI

CIVIL SERVICE

The City of Socorro, Texas shall establish and maintain a Civil Service System for the benefit of the employees and City of Socorro, Texas. The Civil Service System shall be established by Ordinance.

ARTICLE XII

PLANNING AND ZONING COMMISSION

Section 12.01 PLANNING AND ZONING COMMISSION: AUTHORITY, DUTIES, AND PROCEDURES

The Municipal Planning and Zoning Commission shall serve as the planning and zoning commission of the City, and:

- A. Review and make recommendations to the City Council regarding the adoption and implementation of a master plan and comprehensive plan, or elements or portions thereof prepared under the authorization of the City Council and under the direction of the City Manager and responsible staff.
- B. After a master plan and comprehensive plan or element or portion thereof has been adopted in conformity with this article:
 - 1. Review and make recommendations to the City Council on all amendments or portions thereof;
 - 2. Review and make recommendations to the City Council on all proposals to adopt or amend land development regulations for the purpose of establishing the relationship of such proposal to, and its consistency with, the adopted master plan, and comprehensive plan or elements or portions thereof. For purposes of this article "land development regulations" include zoning, subdivision, building and construction codes, environmental, including water conservation, and other police power regulations controlling, regulating, or affecting the use or development of land.
- C. Pursuant to ordinances adopted by the City Council, exercise control over planting and subdividing land within the corporate limits and extraterritorial jurisdiction of the City to ensure the consistency of any such plats or subdivision with the ordinances and master plan and comprehensive plan or element or portion thereof;
- D. Pursuant to ordinances adopted by the City Council, exercise control over the zoning of land and land uses within the corporate limits of the City to ensure the

consistency of any such land use with the adopted master plan and comprehensive plan or element or portion thereof;

- E. Submit annually to the City Manager, not less than one hundred-fifty (150) days prior to the beginning of the budget year, a list of recommended capital improvements, which in the opinion of the Commission are necessary or desirable to implement the adopted master plan and comprehensive plan or element or portion thereof during the forthcoming five (5) year period;
- F. Monitor and oversee the effectiveness and status of the master plan and comprehensive plan and recommend annually to the City Council any changes in or amendments to the master plan and comprehensive plan as may be desired or required;
- G. Prepare periodic evaluation and appraisal reports on the master plan and comprehensive plan, which shall be sent to the City Council at least once every five (5) years after the adoption of the master plan and comprehensive plan or element or portion thereof;
- H. Obtain information relative to a duties from the City Manager;
- I. Act as an advisory body to the City Council and perform such additional duties and exercise such additional powers as may be prescribed by ordinance of the City Council not inconsistent with the intent of this Charter.

The City Council shall prescribe the duties of the planning commission by ordinance. The duties so established shall not be inconsistent with this Charter and such duties shall include, but not be limited to, those prescribed herein. The City Council may create by ordinance such department(s) as necessary to provide technical and administrative support in the area of planning, growth management and land development, or the City Manager may assign such duties to any other department or officer of the City. The director of such department shall be appointed and removed by the City Manager.

Section 12.02 COMPOSITION AND ORGANIZATION

- A. The Planning and Zoning Commission will consist of seven (7) members who will serve for a term of two (2) years and a maximum of three (3) consecutive terms. Each City Council member shall appoint one (1) member and the remaining two (2) will be appointed by the Mayor. Each City Council nominee shall be approved by the whole City Council individually. Individuals nominated for membership must be qualified as follows: owner of a business within the City of Socorro, a Socorro resident and/or legal registered voter within the City of Socorro. Each member appointed to the Planning and Zoning Commission shall continue to serve on the Commission beyond the term until the member is reappointed or a new member is appointed by the City Representative or the Mayor. Two (2) alternate members shall be appointed by the Mayor to serve for a term of two (2) years. The

alternates shall be on call to serve only when a regular member of the Commission is unable to serve.

- B. Nepotism. No commissioner may hold office if he or she is related within the second degree by affinity or the third degree by consanguinity to members of the City Council, Mayor, or City officials and pursuant to Section 3.20 of the Charter.
- C. Personal interest. No member of the Commission, Council, or any officer or employee of the City shall have a financial interest, direct or indirect, in any contract with the City, or in the sale to the City, or to a contractor supplying the City, of any land or rights or interests in any land, material, supplies, or service, except on behalf of the City as an officer or employee. The City Council shall never authorize the expenditure of public funds for the development of a privately owned subdivision. Any willful violation of this section shall constitute malfeasance in office, and any officer or employee of the City found guilty thereof, shall thereby forfeit his or her office or position. Any violation of this section with the knowledge, express or implied, of the person or entity counteracting with the City, shall render the contract voidable by the City Manager or the City Council.
- D. Any changes on the zoning map shall be determined by the Planning and Zoning Commission with the approval of the City Council.
- E. No change, of any nature, shall be made in the official zoning map or materials shown thereon, except in conformity with the procedure set forth in the Charter and State Law.

Section 12.03 BOARD OF ADJUSTMENT

The City Council shall by ordinance establish a Board of Adjustment which shall, to the extent provided by Ordinance or State Law, have the power to hear and determine appeals from the refusal of building permits, appeals resulting from administrative decisions, and to permit an authorized exception to or variation from the zoning regulations. Members of such board shall hold no other City office and no former member of the City Council shall serve as a member of the Board of Adjustment until one (1) year after completion of his or her City Council term.

Section 12.04 ENTERPRISE ZONE

The Planning and Zoning Commission shall give final recommendation, in writing, to the City Council for final approval of any enterprise zones to be created. All ordinances pertaining to the Enterprise Zone or parts thereof in anyway conflicting or inconsistent with this Charter or any of the provisions hereof, are hereby repealed.

ARTICLE XIII

HISTORICAL LANDMARK COMMISSION

Section 13.01 ESTABLISHMENT OF HISTORICAL LANDMARK COMMISSION

- A. The Historical Landmark Commission shall consist of seven (7) members, three (3) members of the affected area and four (4) members at large.

Section 13.02 APPLICATIONS FOR HISTORICAL SITES

All proposed historical sites shall be reviewed and approved by the Historical Landmark Commission.

- A. No enterprise zone shall be created or approved with boundaries on Socorro Road (Historical corridor).
- B. No enterprise zone shall be created or approved in which its primary source of ingress and egress is Socorro Road.
- C. All ordinances that pertain to the Historical Landmark Commission or parts thereof in any way conflicting or inconsistent with this Charter or any of the provisions hereof are hereby repealed.

Section 13.03 ALCALDE DE ACEQUIAS (DITCH INSPECTOR/SYMBOLIC)

The Alcalde de Acequias shall supervise all work undertaken by the City Council on the acequias (small ditches). He or she shall see that the acequias are kept clean and in good condition, and he or she shall supervise the partition of water for irrigation purposes.

Section 13.04 NEPOTISM

No commissioner may hold office if he or she is related within the second degree by affinity or within the third degree by consanguinity to the member of the City Council, Mayor, or City officials and pursuant to Section 3.20 of this Charter.

ARTICLE XIV

BORDER RELATIONS

Section 14.01

The Council may, within one (1) year following the adoption of this Charter, provide for the duties, appointments, structure, terms of office and for filling the vacancies of a standing committee on border relations, comprised of Socorro Citizens.

The Committee on Border Relations shall propose, promote, and from time to time, revise a program to enhance relations with the border area in proximity to Socorro.

ARTICLE XV

SUBMISSION OF CHARTER TO VOTERS

Section 15.01

- A. The Charter Commission, in preparing this Charter, concludes that it is impractical to segregate each subject so as to permit a vote of "yes" or "no" on each individual subject, separately. Therefore, it should be adopted in its entirety to enable this Charter to work and function as it is necessary. For these reasons, the Charter Commission directs that this Charter be voted upon as a whole, and that it should be submitted to the qualified voters of the City at an election to be held on Tuesday November 6, 2001.

The following ballot form shall be used by the City Council as specified per State Law:

No. 000

OFFICIAL BALLOT

Charter Election

City of Socorro, Texas

INSTRUCTIONS: Punch in square beside the statement indicating the way you wish to vote.

SHALL THE CHARTER FRAMED BY THE CHARTER COMMISSION BE APPROVED AND ADOPTED AS THE HOME RULE CHARTER OF THE CITY OF SOCORRO, TEXAS?

- ☐ FOR)
 - ☐ AGAINST)
- The adoption of the Charter

- B. The Council shall conduct the election as required by law. If a majority of those voting in such election are in favor of this Charter, it shall become the Charter of the City of Socorro, and after the returns have been canvassed, the Charter shall be declared adopted, at which time the existing Charter, if any, shall be repealed.