

PART I CITY CHARTER

Article I. Incorporation

Sec. 1. Incorporation continued; corporate name.

The inhabitants of the City of Big Spring, Howard County, Texas, residing within the limits and boundaries hereinafter described, and the territory therein, are and shall continue to be, and are hereby continued and constituted a body politic and corporate, by and under the name and style of the City of Big Spring, with all the rights, powers, privileges, and immunities hereinafter more fully defined and set forth.

Article II. Corporate Boundaries

Sec. 1. Boundaries.

The boundaries of the City of Big Spring shall be the same as have been heretofore established and now exist and those boundaries established and changed hereafter in all annexation ordinance and proceedings of the City of Big Spring, Texas filed in the office of the City Administration of Big Spring, Texas. (Amendment No 1., 1-21-95)

Sec. 2. Annexation--By petition.

Whenever a majority of the property owners who are citizens of the state and inhabitants of any territory adjoining said city desire the annexation of such territory to said City of Big Spring, they may present a written petition to that effect to the council, and shall attach to said petition the affidavit of three (3) or more of their number to the effect that said petition is signed by a majority of such qualified voters; and thereupon the council may by ordinance annex such territory to the City of Big Spring, provided that said ordinance shall be read at two (2) regular meetings of the council before final passage, and be published as penal ordinances are required to be published by the terms of this Charter.

Sec. 3. Same--by election.

The City of Big Spring shall have the power to extend the boundary limits of the city and to annex additional territory at any time without the consent of the inhabitants of the territory annexed, by a majority vote of the qualified voters of the City of Big Spring voting thereon at any election at which the question may be submitted; and the city council, whenever in their judgment the public interest requires, may submit such question to vote of the people, by ordinance duly passed describing the territory desired to be taken in.

Sec. 4. Same--effect of action under sections 2 and 3.

Thenceforth from the annexation of territory in the manner prescribed by either of the foregoing sections, said territory shall be a part of the City of Big Spring, and the inhabitants thereof shall be entitled to all rights and privileges of other citizens, and shall be bound by the acts, ordinances, resolutions, and regulations of the city.

Sec. 4a. Same--by ordinance--generally.

The city council shall have power, by ordinance, to fix the boundary limits of the City of Big Spring, and to provide for the alteration and the extension of said boundary limits, and the annexation of additional territory lying adjacent to the city, with or without to consent of the territory and inhabitants annexed. Upon the introduction of any such ordinance, it shall be published in the form in which it may be finally passed, in a daily newspaper, published in the City of Big Spring, Texas, at least one time, and said ordinance shall not thereafter be finally acted upon until at least thirty (30) days have elapsed after the first publication thereof; and upon the final passage of any such ordinance, the boundary limits of the city shall thereafter be fixed in such ordinance; and when any additional territory has been so annexed, same shall be a part of the City of Big Spring, and the property situated therein shall bear its pro rata part of the taxes levied by the city, and the inhabitants thereof shall be entitled to all the rights and privileges of all the citizens, and shall be bound by the acts, ordinances, resolutions and regulations of the city. (5-1-51)

Sec. 4b. Same--ratification of prior ordinances.

All annexation ordinances heretofore passed by the city council of the City of Big Spring are hereby ratified and declared to be legal and valid. (5-1-51)

Sec. 5. Exclusion of territory.

Whenever it shall appear to the council that there is within the boundaries of the city any territory which is not desirable to be retained within said boundaries, it shall have the power, by ordinance duly passed and published, to exclude said territory.

Sec. 6. Platting of property within or adjacent to city limits.

Should any territory lying within or adjacent to the city limits be hereafter platted into blocks and lots, the owners of said territory shall plat the same to conform in direction and width to the streets and alleys adjacent or abutting same, insofar as may be practicable, and shall file with the city secretary, and with the county clerk of Howard County, a correct map thereof; provided that in no event shall the City of Big Spring be required to pay for any of said streets or alleys when so platted and opened, but by the act of filing such map with the city secretary, the streets and alleys as indicated thereon, shall become dedicated to the use of the City of Big Spring.

Sec. 7. Jurisdiction over city-owned property beyond city limits.

The powers and jurisdiction of the city shall extend to property or territory beyond its limits owned or held by it for municipal purposes.

Article III. General City Powers.

Sec. 1. Enumerated.

The City of Big Spring shall possess and exercise the full power of local self-government. It may hold by gift, devise, deed or otherwise any character of property, including any charitable or trust fund, and subject to and within the limits of superior law, may act in perpetual succession as a body politic. Under its corporate name it shall be known in law, and be capable of entering into contracts, suing and being sued. The enumeration of the powers hereinafter set out for greater certainty shall not preclude the exercise of any other powers not inconsistent with the constitution and laws of Texas. The said city may sell, lease, manage and control its property, and may any and all rules and regulations by ordinance or resolution which may be necessary to carry out fully, all the provisions of any conveyance, deed, or will in relation to any gift, devise, or bequest; may acquire, construct, own, lease, operate, and regulate public utilities; may assess, levy, and collect taxes for general and special purposes on all the subjects and objects which the city may lawfully tax; may borrow money on the faith and credit of the city by the issue and sale of bonds and notes of the city; may adopt and use a corporate seal; may create, construct, regulate and maintain all things of the nature of public works and improvements; may license and regulate persons, corporations, and associations engaged in any business, occupation, profession or trade; may define, prohibit, abate and prevent all things detrimental to the health, morals, comfort, safety, convenience and welfare of the inhabitants of the city, and all nuisances and causes thereof; may regulate and control the platting, laying out and the use of the streets and other public places; may create, establish, abolish and organize offices, and fix the salary and compensation of all officers and employees; may make and enforce local police, sanitary and other regulations; and may pass such ordinances and may be expedient for maintaining and promoting the peace, good government, health and welfare of the city, and for the performance of the functions thereof, and for the suppression of vice or immorality within its limits, or for the proper promotion of trade and commerce within the city. The city shall have all powers that now are, or hereafter may be granted to municipalities of its class by the constitution or laws of the State of Texas; and all such powers, whether expressed or implied, shall be exercised and enforced in the manner prescribed by this Charter, or when not prescribed therein, in such manner as shall be provided by ordinances or resolutions enacted by the city council.

Article IV. City Government

Sec. 1. City Council.

Wherever the terms "commission" and "commissioner" appear throughout this Charter (such terms) will hereafter be changed to "councilmen" and/or "councilwomen" and "council." (Amend. No. 1, 10-2-73)

Sec. 1a. Council.

The governing body of the City of Big Spring shall consist of six (6) councilmen and/or councilwomen and a mayor, and shall be known as the "City Council of Big Spring." hereinafter referred to as "the council" or as "the city council." The six (6) councilmen and/or councilwomen shall be elected from six (6) single member districts. The districts will be drawn by the council by ordinance as the council deems necessary. Any individual who resides in the City may file for any of the six single member district places.

Districts One and Three will hold elections in 1993 and every three years thereafter. Districts Two, Four and Six will hold elections in 1994 and every third year thereafter. District Five will have an election in 1995 and every third year thereafter. The Mayor will run every three years beginning in 1995.

Each councilman and/or councilwoman who shall be in office at the time of this Charter amendment, having been duly approved by the qualified voters of the City, shall continue in their respective positions until the expiration of their terms of office and until their successors have been duly elected and qualified. (Amendment No. 2, 1-21-95)

Sec. 2. Authority of council to enact ordinances, rules, regulations and resolutions.

The city council shall have power to enact all ordinances, rules, regulations and resolutions not inconsistent with the constitution and laws of Texas, or the terms of this Charter, and to prescribe punishments for the violation thereof. Said council shall determine and establish its own rules and procedure, and may determine and prescribe such rules and regulations as it may deem proper to enforce the attendance of all members.

Sec. 3. Council meetings.

The city council shall meet regularly twice a month at such time and place as the council may determine. The mayor, or any three (3) councilmen and/or councilwomen may call the council together for a special meeting.

Sec. 4. Mayor to preside over council; mayor pro tempore; council quorum.

The mayor, when present, shall preside over the council. The council shall elect a mayor pro tempore who shall preside at the meetings at which the mayor is not present. Any four (4) members of the council shall constitute a quorum for the transaction of business. (Amendment No. 2., 1-21-95)

Sec. 5. Qualifications of councilmen and councilwomen.

Each member of the city council, in addition to having other qualifications prescribed by law, shall be a qualified voter of the city, shall have resided for at least one year preceding his election within the corporate limits of the city, shall not be in arrears in the payment of any taxes or other liabilities due the city. If a member of the council shall cease to possess any of these qualifications he shall immediately forfeit his office. (Amend, No. 2, 10-2-73)

Sec. 6 Adoption or repeal of ordinances and resolutions; journal of council's proceedings.

The affirmative vote of a majority of the council present at duly authorized meeting can pass and transact business. The council shall keep a journal of its proceedings in a bound book, and citizens shall have access to the minutes and records contained therein at all reasonable times. (Amendment No. 2., 1-21-95)

Sec. 7. Approval or veto of ordinances and resolutions by mayor.

Any ordinance or resolution passed by the city council shall, before it takes effect, be placed in the office of the city secretary, and the mayor shall sign such ordinance or resolution if he approves it. If the mayor shall disapprove of the enactment, he shall do so in writing, stating his objections, and such ordinance or resolution shall be returned to the city council for its further action, at a regular or special meeting, as the case may be, to be held not less than five (5) days after the mayor has disapproved the measure. If after reconsideration, four (4) of the councilmen and/or councilwomen shall vote in favor of the passage of the measure, then such ordinance or resolution shall become effective, the disapproval of the mayor notwithstanding. If the mayor shall fail to approve or disapprove any measure within three (3) days after it is submitted to him, then it shall become effective without his signature.

Sec. 8. Style of ordinances; recording ordinances and resolutions.

The style of all ordinances of the City of Big Spring shall be: "Be it ordained by the City Council of the City of Big Spring," but the same may be omitted when published in book form. Every ordinance or resolution, upon its becoming effective, shall be recorded in a bound book kept for that purpose.

Sec. 9. Form and title of ordinances and resolutions.

Ordinances and resolutions shall be introduced in written or printed form, and shall not contain more than one subject which shall be clearly stated in the title, except ordinances or resolutions appropriating money, which may contain various subjects and accounts for which money is appropriated.

Sec. 10. Ordinances and resolutions to be read at two meetings; exception.

No ordinance or resolution, except it be an emergency measure, shall be passed until it has been read at two (2) meetings of the city council, one of which shall be a regular meeting. The affirmative vote of all the members of the council present shall be necessary to dispense with this requirement by declaring the existence of an emergency. The city council shall, within its discretion, declare what measures are emergency measures, and any ordinance or resolution carrying an emergency clause shall be construed to be an emergency measure, which emergency measure shall be set forth and defined in the preamble or in the closing section of such ordinance or resolution. (Amend. No. 3, 10-2-73)

Sec. 11. Publication of penal ordinances.

Every ordinance imposing any fine, penalty or forfeiture shall, after the passage thereof, be published as required by law.

Sec. 12. Creation or discontinuance of appointive offices and departments.

The city council shall create appointive offices when the same is deemed expedient and may divide the administration of the city's affairs into such departments as they may deem advisable, and may discontinue any such appointive office or department at their discretion, except the office of city manager.

Sec. 13. City manager--appointment; term; qualifications; etc.

The city council shall appoint a city manager, who shall be the administrative head of the municipal government and shall be responsible for the efficient administration of all departments. His appointment shall be for a term of two (2) years, unless he be sooner removed by action of the council as provided herein, and he shall be eligible for reappointment at the termination of any period of office. He shall be chosen upon qualification and fitness for the exercise of his duties. He may or may not be a resident of the City of Big Spring at the time of his appointment, but shall immediately establish his residence within the city upon accepting office. The city manager shall be removable at the will of the city council.

Sec. 14. General powers and duties.

The city manager shall see that the laws and ordinances are enforced. He shall appoint all appointive officers of the city, such appointments to be made upon the merit and fitness alone, and may remove any appointive officer at will with the exceptions of the City Attorney, Internal Auditor and the City Judge. He shall attend all meetings of the council with the right to take part in the discussion, but without the right to vote. He shall recommend in writing to the council such measures as he may deem necessary or expedient. He shall keep the council fully advised as to the financial condition and needs of the city, and perform such other duties as may be prescribed by this Charter, or which may be required of him by the council. He shall exercise control over all departments and officers created by the council.

Sec. 15. Preparation of annual budget; administrative recommendations.

The city manager shall prepare and submit the annual budget on the basis of the estimates of the departments. He shall make recommendations to the city council on all matters concerning the administration of the city.

Article V. Elections

Sec. 1. Election of first council.

At the time this Charter is submitted to the voters, provision shall be made at the same election for the election of the first city council.

Sec. 2. Filling of vacancies.

If a vacancy occurs neither councilmen and/or councilwomen or mayor, the remaining members of the council, by a majority vote, shall appoint a qualified resident to fill such office for the remainder of the term of such vacancy. The successor must possess all qualifications required for the office. Where more than one vacancy shall develop at one time, then a special election shall be called and members of the council, elected at such special election shall fill such office for the remainder of the term for the place to which each has been elected. If such vacancies occur within ninety (90) days of a general election then no special election shall be called. (Amend. No. 1, 10-2-73)

Sec. 3. Terms of councilmen and/or councilwomen.

The regular term of office of the members of the council shall be three (3) years. (Amendment No. 4., 1-21-95)

Sec. 3.a. Council Member Term Limits.

No member of the council may run for election to the same council position more than two (2) consecutive times. No person may be appointed or elected to the council in a general election or in a special election as provided by Section 2 of this article within two (2) full terms of having previously held a council position. (Amendment 5-14-11)

Sec. 3.b. General Restriction.

No member of the council may retain office while seeking election or appointment to any other city, county, state or federal office. (Amendment 5-14-11)

Sec. 4. Date of general election; number of councilmen and/or councilwomen to be elected.

A regular election shall be held on the first uniform election date in May of each year. Districts One and Three will hold elections in 1993 and every three years thereafter. Districts Two, Four, and Six will hold elections in 1994 and every third year thereafter. District Five will hold an election in 1995 and every third year thereafter. The Mayor will run every three years beginning in 1995. (Amendment No. 4., 1-21-95)

Sec. 5. Call and notice of special elections; application of state election laws.

All special elections shall be called by the mayor upon ordinances duly passed by the council ordering such election. Due notice of such elections shall be given as required by law, and the general election laws of the state shall control in all municipal elections, except as otherwise herein provided.

Sec. 6. Canvass of returns and declaration of election result.

The city council shall within ten (10) days after every municipal election, canvass the returns and declare the results. In an election for councilman and/or council woman or mayor, the qualified person receiving a majority of the qualified votes for the position for which he was a candidate at such election shall thereupon be declared by the council to have been elected. In the event any candidate fails to receive a majority of the qualified votes polled at such regular election for the office for which he is a candidate, the council shall immediately order a special election to be held not less than ten (10) days nor more than twenty (20) days after the results of the regular election shall have been declared. At such special election the names of the two (2) candidates receiving the highest number of votes cast (at) the regular election for the office for which they are candidates shall be submitted for the election and the candidate receiving the majority of votes at such special election for the position for which he was a candidate shall be declared duly elected. (Amend. No. 1, 10-2-73)

Sec. 7. Filing of candidates.

Any qualified person who desires to become a candidate for election to the city council shall file with the city secretary, at least thirty (30) days prior to the election day, an application for his name to appear on the ballot. Such application shall clearly designate the position on the council to which the candidate seeks election and shall contain a sworn statement by the candidate that he is fully qualified under the laws of Texas and the provisions of this Charter to hold the office he seeks. (5-1-51; Amend. No. 1, 10-2-73)

Sec. 8. Qualified electors.

All persons who are qualified electors under the general laws of the state, and who are residents of the City of Big Spring shall be deemed qualified electors. (Amend. No. 4, 10-2-73)

Article VI. City Officers and Employees

Sec. 1. Appointive officers designated; consolidation of offices.

Until otherwise provided by the city council,, the appointive officers of the city shall consist of the city manager, the chief of police, city secretary and tax collector, city attorney, city fire chief, city tax assessor, and city treasurer. In the discretion of the city council, and under the limitations imposed by law, two (2) or more of the above offices may be consolidated into one.

Sec. 2. Authority to create appointive offices; salary of officers.

The city council may create or eliminate appointive offices when, in their discretion, necessity demands it. All salaries other than those of the council shall be fixed by the city council. The mayor shall be entitled to a monthly allowance (non employee compensation) in the amount of \$ 300.00. The other members of the council shall each be entitled to a monthly allowance (non employee compensation) in the amount of \$ 200.00. Additionally, subject to prior budgetary approval, the mayor and the other members of the council shall be entitled to reimbursement of all reasonable, necessary and documented expenses incurred in the performance of their duties. (Amendment No. 5., 1-21-95)

Sec. 3. Vacancies in council.

Vacancies in the city council shall be filled by appointment by the council. If more than two (2) councilmen and/or councilwomen leave their offices vacant at the same time, then the mayor, or the remaining councilmen and/or councilwomen, shall order a special election to fill such vacancies.

Sec. 4. Chief of Police.

The chief of police shall have like powers with the sheriff of the county to execute search warrants, and shall be active in quelling riots, disorders, and disturbances of the peace within the city. He shall arrest all persons who obstruct or interfere with him in the execution of the duties of his office, and when necessary to prevent a breach of the peace, or to preserve quiet and order. He shall have the authority to close, temporarily, any place or building of public resort, when necessary to prevent a breach of the peace. He shall prevent and suppress violations of the penal ordinances of the city, and he shall have and may exercise, like powers and authority as the sheriff of the county in respect to the violations of any penal laws of the state.

Sec. 5. Disciplinary Hearing for City Employees

A. Complaints. Before a complaint against a city employee may be considered by the charging party as defined in subsection B(4), the complaint must be placed in writing and signed by the person making the complaint. A copy of the signed complaint must be presented to the affected city employee no later than one hundred and eighty (180) days after the complaint is filed and before any disciplinary action may be taken against the affected city employee. The charging party is hereby restricted to his original written statement and charges against the city employee, which shall not be amended, and no act or acts may be complained of by said charging party which did not happen or occur within one hundred eighty (180) days immediately preceding the date of disciplinary action by the city manager.

B. Disciplinary Action. If disciplinary action is taken against a city employee who has been employed as an employee for more that three hundred and sixty-five (365) days, and has exhausted all internal appeal procedures, the employee is entitled to a public hearing before a Retired District Judge on the written statement and charges against the employee and the disciplinary action taken. In this charter provision:

- (1.) “Retired District Judge” means a qualified neutral to which authority has been delegated to hear appeals of disciplinary action against an employee.
- (2.) “Employee” means any paid employee of the city of Big Spring except the City Manager and department heads.
- (3.) “Disciplinary action” includes termination, suspension, and demotion.
- (4.) “Charging Party” means the city manager, director, department head or city employee with the authority and power to file written disciplinary charges.

To obtain the hearing, an employee must file a written request to the city secretary no later than the fifteenth (15th) day after the date on which the city employee received the written statement and charges from the charging party.

The employee and the charging party shall forthwith endeavor to select a mutually agreeable Retired District Judge. If the parties are unable to agree upon a Retired District Judge within ten (10) days after the city employee files his appeal, the parties shall promptly request that a judge of the 118th judicial district court appoint a Retired District Judge. If an appointment cannot be made, provider service can name a Retired District Judge to hear the disciplinary action.

The parties shall set the earliest date possible that is available to the Retired District Judge for a hearing. If the Retired District Judge cannot hear the case within forty-five (45) days of his selection, the parties shall request another judge.

Each Party shall pay one-half of any deposit required by the Retired District Judge. The deposits from each party will be applied to the fees and expenses of the Retired District Judge. The remaining fees and expenses of the Retired District Judge shall be borne by the “non-prevailing party,” if any, as determined by the Retired District Judge. Each party shall pay the costs of their own witnesses.

The employee is entitled to:

- (1) examine any document, paper, book, or material considered in the formation of the charges if necessary to establish a proper defense.
- (2) be represented by counsel or by a person of his choice; and
- (3) present witnesses in his defense and cross-examine any adverse witness.

The hearing must be fair and impartial, and the Retired District Judge shall determine if the facts justify the disciplinary action taken against the employee. The Retired District Judge may consider only the evidence presented at the hearing. Disciplinary action may not be taken against an employee without good and reasonable cause.

The Retired District Judge shall either uphold the disciplinary action, dismiss it, or reduce it. The decision of the Retired District Judge is final and binding on all parties. (Amendment No. 8, 1-29-95)

Sec. 6. City secretary.

The city secretary shall attend the meetings of the city council, and shall keep accurate minutes of the proceedings in books to be provided for that purpose; shall correctly enroll and attest all ordinances and resolutions of the city council and properly record the same; shall take charge of, preserve and keep in good order all books, records, papers, documents, and files the custody of which is not confided to some other (treasurer), and keep accurate account thereof in a book to be provided for that purpose; shall be general accountant of the city and shall keep regular accounts of the receipts and disbursements of the city, showing under proper heads each cause of receipt or disbursement; shall keep a register of bonds and other evidences of indebtedness issued by the city,

of all evidences of indebtedness due and payable to the city, noting the particulars thereof; shall, before each meeting of the council, examine all claims and accounts filed against the city, and note his approval of such as are found correct and his disapproval of others. (Amend. No. 7, 10-2-73)

Sec. 7. City attorney.

The city attorney shall represent the city in the "municipal court," give advice to other city officers, attend the meetings of the city council, and perform such other duties as are usually incident to the office of city attorney, or that may be required of him by the city council. The city attorney shall be appointed by the city council and shall receive such salary as may be fixed by the city council.(Amend. No. 8, 10-2-73)

Sec. 8. Fire chief.

The fire chief shall be the head of the city fire department, and shall have such duties and powers as may be prescribed by the city council.

Sec. 9. Tax assessor.

The city tax assessor shall make up the assessment of property taxed by the city, and make duplicate rolls thereof, one of which when completed, shall be delivered to the city secretary.

Section 9a. Internal Auditor.

The Internal Auditor, if one is appointed, shall audit the accounts, the receipts and disbursements of the city and perform such other duties as are usually incident to the office of internal auditor, or that may be required of him by the city council. The internal auditor shall be appointed by the city council and shall receive such salary as may be fixed by the city council. (Amendment No. 7., 2-21-95)

Sec. 10. City depository.

Before July 1st after each even numbered year's regular election, the city council shall select a city depository from among the banks of the city, such selection to be made in the manner prescribed by the statutes of the state, and said city depository shall keep such records and make such reports to the council, and do and perform such other duties as may be required by general law, and as may be required by the city council. (Amend. No. 9, 10-2-73)

Sec. 11. Oath and bond of officers.

Every person elected by the electors of said city, or appointed by the city council or the city manager to fill any office under the city administration, shall, before entering upon the duties of such office, take and subscribe to the oath of the Constitution of Texas, and such other oaths as shall be prescribed by the council, and shall furnish bond with good and sufficient security to be approved by

the council in such form and amount as shall be prescribed by the council.

Sec. 12. Amendment of duties of office.

The city council may alter, add to, or change the duties of any office.

Sec. 13. Qualification of council and initial appointment of officers.

Within five (5) days after the first city council shall have been declared elected as heretofore provided, said council shall meet in the city hall and qualify as city councilmen and/or councilwomen by taking the oath of office. As soon as practicable they shall elect a city manager, with duties and powers as provided in this Charter. The city manager, as soon as possible, shall proceed to appoint the officers provided for in this Charter, unless the council shall do away with some of such offices, and shall appoint persons to fill such other offices as the council may create. All such appointments shall be made subject to the approval of the city council as herein provided.

Sec. 14. Hiring and firing of employees.

All employees of the city shall be hired by the city manager or under his direction, and he may discharge such employees at will.

Article VII. Taxation

Section 1. Ad valorem taxes.

The city shall have the power to annually levy and collect taxes on the assessed valuation of all real estate, personal and mixed property within the city limits, not exempt from taxation by the constitution and laws of the state, provided that the total levy for all purposes shall not exceed the statutory limitation. All such taxes which are not paid when due shall be collected and bear penalty, interest and collection costs in accordance with the provisions of the Property Tax Code of the State of Texas. (Amendment No. 9., 1-21-95)

Section 2. Occupation taxes and licenses.

The city shall have the power to levy and collect occupation taxes, consonant with the general laws of the state, and shall authorize the granting and issuance of licenses and shall direct the manner of issuing and registering the same, and fix the fees therefore, but no license shall issue for a longer term than one year, and shall not be assignable except by permission of the council.

Section 3. Franchise tax.

The city shall have the power to annually levy and collect a franchise tax against any corporation, firm or individual using and occupying the public streets or grounds of the city,

separately from the tangible property of such corporation, firm or individual. Such corporation, firm or individual shall file a sworn annual report of the receipts from the operation of such business for the current year, how expended, how much of these are betterments or improvements, the rate of tolls or charges for the service, and any other facts or information that the council may deem pertinent for its use in intelligently passing upon any question that may arise between the city and the said corporation, firm or individual; said reports to be filed with the city secretary, and preserved for the use of the council. (Amendment No. 9., 1-21-95)

Section 4. Regulation to tax lists, inventories, appraisements, etc.

The city shall have the power to regulate the manner and mode of making out tax lists, inventories, and appraisements of property, and to prescribe the oath that shall be administered to each person rendering property for taxation, and to prescribe how, when and where such property shall be rendered, and to adopt such measures as may be deemed advisable to secure the assessment of all property within the city limits and to collect taxes thereon. (Amendment No. 9., 1-21-95)

Section 5. Annual tax levy.

The council shall, at its first meeting in June, or as soon thereafter as practicable, levy the annual tax for such year, but special taxes, or assessments, may be levied, assessed and collected at such time as the council may provide. Should the council fail or neglect to levy the annual tax herein provided for any year, the annual tax levy for the preceding year last made by said council shall and will be considered in force, and effective as the tax levy for the year for which no tax levy was made. (Amendment No. 9., 1-21-95)

Section 6. Collection of taxes.

The city shall have full power to provide for the prompt collection by suit or otherwise, of taxes assessed, levied and imposed, and to that end shall have full power and authority to sell or cause to be sold, all kinds of property, real, personal, mixed, and shall make such rules and regulations and enact all such ordinances as are deemed necessary for the collection of any taxes provided in this Charter. (Amendment No. 9., 1-21-95)

Article VIII. Bonds and Warrants of Indebtedness

Sec. 1. General authority of council relative to indebtedness.

The city council shall have the power to appropriate so much of the general revenue of the city as may be necessary for the purpose of retiring and discharging the accrued indebtedness of the city, and for the purpose of improving the streets, purchasing, improving, or maintaining the sewers, waterworks plant, parks, and such other public utilities or municipal purposes as the city council may

from time to time deem expedient. In furtherance of any and all of these subjects and objects, the council shall have the right and power to borrow money upon the faith and credit of the city; and the city may issue coupon bonds therefor, either optional or serial, or otherwise, in such sum as may be deemed expedient, and to bear interest not to exceed six percent (6%) per annum, payable annually or semi-annually.

Sec. 2. Bonds generally.

All bonds shall be issued and sold in conformity with the general laws of the state regulating the issuance and sale of bonds, and shall specify for what purpose they are issued. When any bonds are issued by the city a fund shall be provided for the purpose of paying the interest and creating a sinking fund to redeem said bonds, which fund shall not be used for any other purpose, and the custodian of the funds of the city shall honor no drafts upon said fund except to pay interest upon or redeem the bonds for which it was provided; provided, however, the city council shall have the power to invest the sinking funds in United States bonds, Texas state or county bonds, or bonds of the City of Big Spring, or other municipality, or any school district. Said bonds shall be issued for a period of time not to exceed forty years, shall be signed by the mayor, countersigned by the city secretary, and both principal and interest shall be payable at such places and times as may be fixed by the ordinance of the council. All such bonds shall be submitted to the attorney general of the state for his approval and to the comptroller for registration as provided by law.

Sec. 3. Warrants.

The city council shall have the right and power to issue interest bearing warrants upon the faith and credit of the city for the purpose of paying the accrued indebtedness of the city. The council shall at the time of issuance of such warrants provide a special fund to meet the annual requirements of the warrants. The act of the council in issuing said warrants shall be in the form of an ordinance and in compliance with the general law of the state governing the issuance of city warrants.

Sec. 4. Election prerequisite to issuance of bonds.

Before the issuance of any bonds the same shall be submitted to a vote of the qualified property tax payers of the city as required by the general laws of the state.

Article IX. Finances

Sec. 1. Audit of records; how accounts to be kept; books to be open to the public.

The city council shall cause a continuous audit of the books of account, and of all records and transactions of affairs of the city. Such audit shall embrace each fiscal year and be made by a competent accountant. Such accounts shall be kept in such manner as to show fully at all times the financial condition of the city, and the books shall be open to the public for inspection, at all

reasonable times.

Sec. 2. Budget estimates.

The budget shall be prepared by the city manager on the basis of the estimates of departments. Such departmental estimates shall show the expenses of the department for the preceding year, and indicate wherein increases or diminution are recommended for the ensuing year.

Sec. 3. Payment of claims; how warrants signed.

No warrant for the payment of any claim shall be issued by the city, unless such claim be evidenced by an itemized account, approved by the signature of the city manager, and audited and allowed by the city council, and all warrants shall be signed by the mayor and countersigned by the city secretary.

Article X. Municipal Court

Sec. 1. Created.

There shall be established and maintained a municipal court for the trial of misdemeanor offenses, with all such powers and duties as are now, or may hereinafter, be prescribed by laws of the State of Texas. (Amend. No. 13, 10-2-73)

Sec. 2. Judge.

The judge of such court shall be appointed by the city council and shall receive such salary as may be fixed by the city council. (Amend. No. 13, 10-2-73)

Sec. 3. Clerk.

There shall be a clerk of said court. The clerk of said court shall have the power to administer oaths and affidavits, make certificates, affix the seal of said court thereto, and generally do and perform any and all acts usual, and necessary to be performed by the clerks of courts, and issuing process of said courts, and conducting the business thereof. (Amend. No. 13, 10-2-73)

Sec. 4. Disability or absence of the judge.

In the case of disability or absence of the judge, the mayor or mayor pro tem of the city is hereby authorized to appoint an alternate judge who shall act in the place of the judge and who shall have all powers and discharge all duties of said offices. (Amend. No. 13, 10-2-73)

Article XI.

Recall of Councilmen and/or Councilwomen

Sec. 1. Generally.

The city councilmen and/or councilwomen shall be subject to recall and removal from office by the qualified electors of the city, and the procedure to effect such removal shall be as set out in the following sections.

Sec. 2. Petition to be filed; number of signatures required on petition.

A petition demanding that the question of removing such officer or officers be submitted to the electors shall be filed with the city secretary. Such petition shall be signed by a number of qualified voters of the city at least equal to thirty-five percent (35%) of the votes cast at the last regular city election, but in no case to be signed by less than one hundred (100) qualified voters of the city.

Sec. 3. Issuance of petition; elector's affidavit required.

Petition for such recall shall be procured only from the city secretary. Prior to the issuance of such petition, there shall be filed with the city secretary an affidavit by one or more qualified electors stating the name or names of the officer or officers sought to be removed, and stating briefly, to the best knowledge and belief of affiant or affiants, the nature of the dereliction of the officer or officers sought to be removed. The city secretary shall record the number of such petition issued, the date of issuance thereof, and the affidavit required above. He shall certify under the seal of his office on such petition the name of the elector to whom issued and the date of its issuance, and no petition not properly issued and certified as herein required shall be considered in determining whether or not a recall election shall be held.

Sec. 4. Method of signing petition; circulator's affidavit.

Each signer of a recall petition shall sign his name thereto in ink or indelible pencil, and shall write thereon, after his name, his street number or place of residence within the city. The circulator of said petition shall attach an affidavit thereto stating the number of signers to said petition, and that each signature is genuine and was made in his presence.

Sec. 5. Return of petition; notice to officer affected; ordering election.

The recall petition shall be returned and filed with the city secretary within thirty (30) days after the issuance thereof. He shall immediately submit the same to the city council and shall notify the officer or officers sought to be recalled of such action. If the officer whose removal is sought does not resign within five (5) days after such notice is given, the city council shall thereupon order a

recall election to be held not less than ten (10) nor more than twenty (20) days from the time of the expiration of the five (5) days allowed the official affected to resign.

Sec. 6. Ballots at election; effect of election.

The ballot at such recall election shall conform to the following requirements, with respect to each person whose removal is sought; the question shall be submitted: "Shall (name of person) be removed from the office of City Councilman and/or City Councilwomen? Immediately following said question there shall be printed on the ballots in separate lines, in the order here set out, the words: "For the recall of (name of person.)" "Against the recall of (name of person.)" Should a majority of the votes cast at such recall election be for the recall of any officer named on the ballot, he shall be deemed removed from office. If the majority of the votes be against the removal of any officer, he shall continue in office, not subject to recall until the expiration of at least three months from the date of the unsuccessful recall election.

Sec. 7. Failure of council to act.

In case the city council shall fail or refuse to receive the recall petition, order the recall election, or discharge any and other duties with reference to such recall, then the county judge of Howard County shall discharge any of such duties herein provided to be discharged by the city council.

Sec. 8. Filling of vacancies created by recall.

If three or more members of the city council are sought to be recalled at one election, the names of candidates to fill the vacancies proposed to be created by the election shall appear upon the ballot. Such vacancies as result from the election shall be filled by declaring elected to such offices the candidates receiving the greatest number of votes, giving the longest terms to the candidates receiving the greatest number of votes. If less than three officers are sought to be removed at such recall election, such vacancies as result from the said election shall be filled by appointment by the remaining members of the council.

Sec. 9. Canvass of returns and declaration of result of election.

The returns of any recall election shall be canvassed and the results thereof declared by the members or member of the council not sought to be removed. If all are sought to be removed, the county judge of Howard County shall canvass the returns and declare the results.

Article XII. Miscellaneous Provisions

Sec. 1. Effect of Charter on existing ordinances.

The adoption of this Charter shall not affect the validity of ordinances heretofore enacted by the governing body of the City of Big Spring, but the same shall remain in full force and effect as the ordinances of the City of Big Spring until altered, changed, or repealed by acts passed by the city council as herein provided for, except such existing ordinances as are in conflict with the terms of this Charter which are hereby repealed.

Sec. 2. Effect of Charter on existing contracts.

The validity of existing contracts to which the City of Big Spring is a party shall not be affected by the adoption of this Charter, but the same shall be continued in full force and effect according to their terms.

Sec. 3. Incumbents to continue in office until successors elected.

The mayor and city council and all other officers of the city may continue in office under the former laws governing the City of Big Spring until their successors are elected and qualified under the terms of this Charter.

Sec. 4. City not subject to execution or garnishment.

The property, real and personal, belonging to the City of Big Spring shall not be liable to be sold or appropriated under any writ of execution or cost bill, nor shall the funds belonging to said city, in the hands of any person or institution, or any debt or account due the city, be liable and subject to garnishment for any debt or obligation of the city. But nothing in this Charter shall be construed to limit the solemn and imperative duty of the city to discharge as promptly as possible every legal obligation established against it.

Sec. 5 Assumption of outstanding indebtedness, property rights, etc.

The City of Big Spring as herein established hereby assumes all outstanding indebtedness against the City of Big Spring as at present constituted, and shall be possessed of and assume all property, rights, interest, contracts, debts, franchises, taxes, chooses in action, and all claims whatsoever owing to the present City of Big Spring.

Sec. 6. Board of city development.

The council shall have the authority to appoint what shall be known and designated as a "Board of City Development" which shall be composed of fifteen (15) members, who shall serve without compensation. Said council may prescribe the qualifications and duties of such board, and

their terms of office and may appropriate not exceeding ten cents (\$.10) on the one hundred dollars (\$100) assessed valuation of the taxable property in the City of Big Spring, from the general fund of said city, to support the work of the board. This board shall never merge its identity with any other organization, and shall furnish the city council an itemized report of its expenditures for publication in the annual financial statement of the city.

Sec. 7. Right of eminent domain.

The City of Big Spring shall have the right of eminent domain, and the power to appropriate private property for public purposes whenever the governing body deems it necessary, under the limitations imposed by superior law.

Sec. 8. Enumeration of powers not exclusive.

The enumeration of powers granted to the said city by this Charter shall never be held to exclude the exercise of other powers, but the city shall have and may exercise all powers not inconsistent with the constitution and laws of the state or the terms of this Charter.

Sec. 9. Notice of claim against city for damage or injury.

Before the City of Big Spring shall be liable on account of any damage or injury to person or property, the person who is injured, or whose property is damaged, or some one on his behalf, shall give notice, in writing, to the city council within thirty (30) days after the occurrence of the alleged injury or damage, stating specifically in such notice when, where and how the injury or damage was sustained and setting forth the extent of the injury or damage and giving the names and addresses of all witnesses upon whose testimony such person is relying to establish the injury or damage. No action at law for damages shall be brought against the city for personal injury or damage to property prior to the expiration of sixty (60) days after the filing of such notice, in order that the city council may investigate the merits of any claim and make any adjustment it may deem advisable.

Article XIII. Charter Election

Sec. 1. Date; method of submission.

An election shall be held on the 7th day of December A.D. 1926, at which time this Charter shall be submitted to the qualified voters of the City of Big Spring for adoption or rejection. The first city council shall be elected at said election, as heretofore provided, and if this Charter is adopted, shall qualify and take up the duties of their office as heretofore provided. It being impracticable to submit this Charter by sections, it is hereby prescribed that it shall be submitted in the following, to-wit:

FOR THE ADOPTION OF THE CHARTER
AGAINST THE ADOPTION OF THE CHARTER

Sec. 2. Call, canvass of returns and declaration of results; recordation of Charter; copy of Charter to be forwarded to secretary of state.

The present city council of the City of Big Spring shall call said election, canvass the returns, and declare the results. In case a majority of the votes cast at such election be in favor of the adoption of the Charter an official order shall be entered upon the records of said city declaring the same adopted, and the city secretary shall record said Charter. A copy of the Charter adopted, authenticated by the signature of the mayor and the seal of the city shall be forwarded to the secretary of state, and shall show the adoption of such Charter by a majority vote.

Section 3. Charter Amendments.

The Charter of the City of Big Spring may be amended as provided for by law. (Amendment No. 11., 1-21-95)