

CITY OF MULESHOE

HOME RULE CHARTER

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

PREAMBLE

WE, THE CITIZENS OF MULESHOE, TEXAS, IN ORDER TO ESTABLISH A HOME RULE MUNICIPAL GOVERNMENT, PROVIDE FOR THE FUTURE PROGRESS OF OUR CITY AND OBTAIN MORE FULLY THE BENEFITS OF LOCAL SELF-GOVERNMENT, DO HEREBY ADOPT THIS HOME RULE CHARTER IN ACCORDANCE WITH THE STATUTES OF THE STATE OF TEXAS; AND DO HEREBY DECLARE THE RESIDENTS OF THE CITY OF MULESHOE IN BAILEY COUNTY, TEXAS LIVING WITHIN THE LEGALLY ESTABLISHED BOUNDARIES OF THE SAID CITY, TO BE A POLITICAL SUBDIVISION OF THE STATE OF TEXAS INCORPORATED FOREVER UNDER THE NAME AND STYLE OF THE “CITY OF MULESHOE” WITH SUCH POWERS, RIGHTS AND DUTIES AS ARE HEREIN PROVIDED.

**ARTICLE 1
FORM OF GOVERNMENT AND BOUNDARIES**

SECTION 1.01 FORM OF GOVERNMENT

The City of Muleshoe shall have a “Council-Manager” form of government. All powers of the City shall be vested in the Council, hereinafter referred to as the “City Council,” which shall enact local legislation, adopt budgets, determine policies and appoint the City Manager. The City Manager shall answer to the City Council for the execution of the laws and the administration of the government of the City. All powers of the City shall be exercised in the manner prescribed by the laws of the State of Texas, this Charter and as may be prescribed by ordinance.

SECTION 1.02

EXTENSION OF BOUNDARIES

The City Council shall have the power, by ordinance, to fix the boundary limits of the City of Muleshoe; and to provide for the alteration and the extension of said boundary limits, and the annexation of additional territory lying adjacent to the City, with or without the consent of the territory and inhabitants annexed. The City’s power of annexation shall be conducted in accordance with applicable state law or ordinance. (Amended May 2015)

SECTION 1.03

CONTRACTION OF BOUNDARIES

Whenever there exists within the corporate limits of the City of Muleshoe any territory not suitable or necessary for City purposes, the City Council may, upon a petition signed by a majority of the qualified voters residing in such territory if the same be inhabited, or without any such petition if the same be uninhabited, by ordinance duly passed, discontinue said territory as a part of said City; said petition and ordinance shall specify accurately the metes and bounds of the territory sought to be eliminated from the City and shall contain a plat designating such territory so that the same can be definitely ascertained; and when said ordinance has been duly passed the same shall be entered upon the minutes and records of said City, but said territory shall still be liable for its pro rata share of any debts incurred while said area was a part of said City, and the City shall continue to levy, assess and collect taxes on the property within said territory to pay the indebtedness incurred while said area was a part of the City as though the same had not be excluded from the boundaries of the City.

ARTICLE 2

POWERS OF THE CITY

SECTION 2.01 GENERAL

The City of Muleshoe shall have the power of local self-government to the fullest extent permitted by law. The City shall have all the powers granted to cities by the Constitution and Laws of the State of Texas together with all of the implied powers necessary to carry into execution those powers and those express and implied powers necessary for the government, interests, health, welfare and good order of the City and its inhabitants. All powers shall be exercised and enforced in the manner prescribed by the laws of the State of Texas, in this Charter and the City’s ordinances.

The City of Muleshoe may exercise any of its powers or perform any of its functions, and may participate in the financing thereof, jointly or in

cooperation, by contract or otherwise with the Government of Texas or any agency thereof, or with the Federal Government or any agency thereof, or with the government of any county, city or political subdivision to accomplish any lawful municipal purpose. The City shall have the power to, among others, construct and maintain, within or without its corporate limits, streets, flood control and sanitary facilities, and water and storm drainage facilities, in, over, under or upon all public property or easements granted for that purpose and to levy assessments for the costs of such improvements. The City shall have the power to collect attorney's fees for the collection of assessments as allowed under state law. It shall have the power to cause liens to be established for the purpose of securing the payment of such levies and shall have the power to compel the use of such improvements by the citizens of the City.

SECTION 2.02 GENERAL POWERS ADOPTED

The enumeration of the particular powers in this Charter shall not be held or deemed to be exclusive but in addition to the powers enumerated herein or implied hereby or appropriate to the exercise of such powers, the City shall have and may exercise all power of local self-government and all other powers which, under the constitution and the laws of the State of Texas, it would be competent for this Charter specifically to enumerate.

SECTION 2.03 EMINENT DOMAIN

The City shall have the full power and right to exercise the power of eminent domain, within or without its corporate limits, when necessary or desirable to carry out any of the powers conferred upon it by this Charter or by the Constitution and laws of the State of Texas. The City may exercise the power of eminent domain in any manner authorized or permitted by the Constitution and state law. The power of eminent domain hereby conferred shall include the right of the City to take the fee in land so condemned and such power and authority shall include the right to condemn public property for such purposes. The City shall have and possess the power of condemnation for any municipal or public purposes even though not specifically enumerated in this Charter.

ARTICLE 3 THE CITY COUNCIL

SECTION 3.01 NUMBER, SELECTION, AND TERM

The legislative and governing body of the City shall consist of a Mayor and four Council Members and shall be known as the “City Council”.

- a) The Mayor shall be elected by the City at large and Council Members shall be elected from Single Member Districts. (Amended May 2015)
- b) The Mayor shall be the presiding officer of the City Council and shall be recognized as the head of the City government for all ceremonial purposes, for emergency management purposes, and by the governor for purposes of military law. The Mayor may debate and discuss any matters before the City Council and shall vote on all issues with the City Council.
- c) The Mayor and each Council Member shall hold office for a period of three (3) years and until his successor is elected and qualified. The Mayor and Council Members shall be elected as follows: the Mayor shall be elected in one (1) General Election, District One (1) and District Two (2) shall be elected at the same General Election, District Three (3) and District Four (4) shall be elected at the same General Election. All elections shall be held in the manner provided in Article 5 of this Charter.
- d) Candidates for City Council shall file their application for a place on the ballot in District One (1), District Two (2), District Three (3), or District Four (4). A candidate is not required to be a resident of the District to serve as Council Member for that District. The candidate receiving the majority of votes in each District shall be elected to the City Council. The Mayor shall be elected at large by majority vote. (Amended May 2015)
- e) The first election for City Council and Mayor after the adoption of this Charter, shall be to elect four (4) Council Members and a Mayor; candidates for Place Number One (1) and Place Number Two (2) shall be elected for a term of one (1) year; candidates for Place Number Three (3) and Place Number Four (4) shall be elected for two (2) years; the Mayor shall be elected for a term of three (3) years; thereafter each candidate elected for the City Council or Mayor shall be elected for a term of three (3) years in accordance with Article III, Section 3.01, Paragraph c) above.

SECTION 3.02 QUALIFICATIONS

Each member of the City Council shall be a resident citizen of the City of Muleshoe, shall be a registered voter of the State of Texas, and shall have been such resident citizen of the City of Muleshoe for a period of not less than six (6) months immediately preceding the election; provided, however, that any person with the above qualifications, except as to residence, who

shall have been a resident, for a period of not less than two (2) years immediately preceding the election, of any of the territory not formerly within the corporate limits of the City, but which is annexed under the provisions of Section 1.03 of this Charter, shall be eligible for said office. (Amended May 2015)

SECTION 3.03 COUNCIL TO BE JUDGE OF ELECTION

The City Council shall be the judge of the election and qualification of its own members and other elected officials of the City.

SECTION 3.04 COMPENSATION

The compensation of the Mayor and Council Members shall be set by ordinance. however, any change in compensation for the Mayor or Council Members shall not take effect during the current term of the Mayor or any Council Member. Further, the Mayor and Council Members shall be entitled to reimbursement for all necessary expenses incurred in the performance of their official duties. (Amended May 2015)

SECTION 3.05 MAYOR PRO-TEM

The City Council, at its first meeting after election of Council Members, shall elect one of its members Mayor Pro-Tem, and the Mayor Pro-Tem shall perform all the duties of the Mayor in the absence or disability of the Mayor.

SECTION 3.06 VACANCIES

When any vacancy or vacancies shall occur in the office of Mayor or Council Member, a majority of the remaining members of the City Council shall appoint a qualified replacement to fulfill the remainder of the vacant term should the remainder of the term be less than one (1) year. A special election shall be called in accordance with state law to fill the vacancy or vacancies in the same manner as described herein for regular elections should more than one (1) year remain on the vacant term. (Amended May 2015)

SECTION 3.07 POWERS OF THE CITY COUNCIL

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

- a) Appoint and remove the City Manager, the Judge of the Municipal Court, and the City Attorney. (Amended May 2015)
- b) Establish, consolidate or abolish administrative departments and distribute the work of divisions.
- c) Adopt the budget of the City.
- d) Authorize the issuance of bonds by a bond ordinance.
- e) Inquire into the conduct of any office, department or agency of the City and make investigations as to municipal affairs.
- f) Provide for such additional boards and commissions, not otherwise provided for in this Charter, as may be deemed necessary, and appoint the members of all such boards and commissions. Such boards and commissions shall have all powers and duties now or hereafter conferred and created by this Charter, by City ordinance or by law.
- g) Adopt and modify the zoning plan and the building code of the City.
- h) Adopt and modify the official map of the City.
- i) Adopt, modify and carry out plans proposed by the Planning Commission for the clearance of slum districts and rehabilitation of blighted areas.
- j) Adopt, modify and carry out plans proposed by the Planning Commission for the re-planning, improvement and re-development of any area or district which may have been destroyed in whole or in part by disaster.
- k) (Repealed May 2015)
- l) Provide for the establishment and designation of fire limits and prescribe the kind and character of buildings or structures or improvements to be erected therein, and provide for the erection of fireproof buildings within said limits, and provide for the condemnation of dangerous structures or buildings or dilapidated buildings, or buildings calculated to increase the fire hazard and prescribe the manner of their removal or destruction within said limits.
- m) Fix the salaries and compensation of the City officers and employees.
- n) Provide for a sanitary sewer and water system and require property owners to connect their premises with sewer system, and provide for penalties for failure to make sanitary sewer connections.
- o) Provide for sanitary garbage disposal, and set fees and charges therefore, and provide penalties for failure to pay such fees and charges.
- p) Exercise exclusive dominion, control and jurisdiction including the right to close and abandon streets and alleys in, upon, over and under the public streets, avenues, sidewalks, alleys, highways,

boulevards and public grounds of the City and provide for the improvement of same as provided for by state law.

- q) Compromise and settle any and all claims and lawsuits of every kind and character in favor of or against the City.

SECTION 3.08 CITY COUNCIL NOT TO INTERFERE IN APPOINTMENTS

Neither the City Council nor any of its members shall direct the appointment of any person to office by the City Manager or by any of his/her subordinates. Except for the purpose of inquiry, the City Council and its members shall deal with the administrative services solely through the City Manager and neither the City Council nor any member thereof shall give orders to any subordinate of the City Manager, either publicly or privately.

SECTION 3.09 MEETINGS OF THE CITY COUNCIL

The City Council shall hold at least one regular meeting each month at the City Hall at a time to be fixed by the City Council, and may hold as many additional meeting during the month as may be necessary for the transaction of the business of the City and its citizens. The Mayor or the City Council may designate another place for any regular or special meeting (Amended May 2015)

Special meetings shall be called by the City Secretary upon request of the Mayor or by any two (2) Council Members. Three (3) or more Council Members shall constitute a quorum for the transaction of business, and the affirmative vote of a majority of those present shall be necessary to adopt any ordinance or resolution.

All meetings of the City Council must be conducted in accordance with the Texas Open Meetings Act, as amended, or successor statute. (Amended May 2015)

SECTION 3.10 RULES OF PROCEDURE

The City Council shall determine its own rules and order of business. The City Council shall provide for minutes to be taken and recorded for all public meetings as required by law. Such minutes shall be a public record and shall be kept and maintained by the City Secretary.

Each Council Member, including the Mayor, when present, shall be required to vote on all matters presented, except that any member who has a

specific conflict of interest with an item is prohibited by law from discussing or voting on that item. (Amended May 2015)

SECTION 3.11 PROCEDURE FOR PASSAGE OF ORDINANCES

Ordinances and resolutions shall be introduced to the City Council only in written or printed form. All ordinances except ordinances making appropriations and ordinances codifying or re-arranging existing ordinances or enacting a code of ordinances, shall be confined to one (1) subject, and the subject, or subjects of all ordinances shall be clearly expressed in the title. Ordinances making appropriations shall be confined to the subject of appropriations.

Except as otherwise provided by Article 7 of this Charter, it shall not be necessary to the validity of any ordinance that it be read more than one (1) time or considered at more than one (1) meeting of the City Council. The yeas and nays shall be taken upon the passage of all ordinances and resolutions and entered into the minutes of the City Council meeting.

Unless otherwise provided herein, publications of ordinances shall not be necessary.

The clause of all ordinances shall be “BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MULESHOE, TEXAS”; and every ordinance shall be authenticated by the signature of the Mayor and the City Secretary and shall be systematically recorded and indexed in an ordinance book in a manner approved by the City Council.

PENAL ORDIANACES: The caption of every ordinance imposing any penalty, fine, imprisonment or forfeiture shall, after passage thereof, be published in the official newspaper of the City of Muleshoe once within fifteen (15) days after the passage of the ordinance. (Amended May 2015)

FRANCHISE ORDIANANCE: All ordinances granting, confirming, extending, renewing or amending a franchise shall be accepted in writing by the grantees and before taking effect shall be published as otherwise provided in this Charter.

EFFECTIVE DATE: Every ordinance passed by the City Council shall be enrolled by the City Secretary as soon as practicable after its passage. If the ordinance was published, the City Secretary shall note the time and place of publication which shall be prima facie proof thereof. The affidavit by printer or publisher of publication shall also be prima facie proof of the publication. Enrollment of an ordinance shall be prima facie proof of its legal adoption and effect.

CODIFICATION OF ORDINANCES: The City Council shall have the power to cause the ordinances of the City to be corrected, amended, revised, codified and printed in code form as often as the City Council deems advisable, and such printed code, when adopted by the City Council, shall be in full force and effect without the necessity of publishing the same or any part thereof in a newspaper. All printed ordinances or codes of ordinances shall be admitted as evidence in all Courts without further proof, and shall have the same force and effect as did the original ordinance.

SECTION 3.12 OFFICIAL BONDS FOR CITY EMPLOYEES

The City Manager and City Secretary and such other City officers and employees as the City Council may require, shall, before beginning the duties of their offices, enter into a good and sufficient fidelity bond in a sum to be determined by the City Council, payable to the City of Muleshoe and conditioned upon the faithful discharge of the duties of such persons and upon the faithful accounting for all monies, credits, and things of value coming into the hands of such persons and such bonds shall be signed as surety by some company authorized to do business under the laws of the State of Texas, and premium on such bonds shall be paid by the City and such bonds must be acceptable to the City Council.

SECTION 3.13 INVESTIGATION BY THE CITY COUNCIL

The City Council shall have power to inquire into the 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, papers, and other evidence. Failure to obey such subpoena or to produce books, papers or other evidences as ordered under the provisions of this section shall constitute a misdemeanor and shall be punishable by fine not to exceed two hundred (\$200.00) dollars.

SECTION 3.14 AUDIT AND EXAMINATION OF CITY BOOKS AND ACCOUNTS

The City Council shall cause an annual audit to be made of the books and accounts of each and every department of the City. at the close of each fiscal year a complete audit shall be made by a Certified Public Accountant, licensed to practice in the State of Texas, who shall be selected by the City Council, and such audit shall include a recapitulation of all audits made during the course of each fiscal year, and all audit reports shall be filed with the City Secretary, shall be available for public inspection and shall be made a part of the archives of the City. Such accountant, so selected, shall not maintain or keep any of the City's accounts or records.

ARTICLE 4
ADMINISTRATIVE SERVICES

SECTION 4.01 CITY MANAGER

- a) **APPOINTMENT AND QUALIFICATIONS:** The City Council shall, upon approval of a majority of the full City Council, appoint a City Manager who shall be the chief administrative and executive officer of the City, and shall be responsible to the City Council for the administration of the affairs of the City. The City Manager shall be chosen by the City Council solely on the basis of executive and administrative training, experience and ability. No member of the City Council shall, during the time for which he/she is elected, nor for one (1) year thereafter, be appointed City Manager. (Amended May 2015)
- b) **TERM AND SALARY:** Except as may be modified by an Employment Contract entered into between the City and the City Manager, the following provisions apply to the term and compensation of the City Manager; the City Manager shall be appointed for an indefinite term and receive compensation as may be fixed by the City Council. The City Council may by affirmative vote of a majority of the full City Council adopt a resolution removing the City Manager from office. The action of the City Council in removing the City Manager shall be final; it being the intention of this Charter to vest all authority and fix all responsibility for such removal in the City Council. (Amended May 2015)
- c) **TEMPORARY ABSENCE OR DISABILITY OF CITY MANAGER:** The City Manager may, by letter filed with the City Secretary and subject to approval by the City Council, designate a qualified City administrative officer to be Acting City Manager during the temporary absence or disability of the Manager. If the City Manager fails to make such designation or if the Council chooses to revoke such designation, the Council may appoint an Acting City Manager to serve during such time. The Council may remove an Acting City Manager at any time.
- d) **POWERS AND DUTIES OF THE CITY MANAGER:** the City Manager shall be the chief executive officer of the City, responsible to the City Council for the management of all City affairs placed in the City Manager's charge by or under this Charter. The City Manager shall:

- 1) Appoint and suspend or remove all City employees and appointive administrative officers provided for, by, or under this Charter, except as otherwise provided by law, this Charter or personnel rules adopted pursuant to this Charter. The City Manager may authorize any administrative officer subject to the City Manager's direction and supervision to exercise these powers with respect to subordinates in that officer's department, office or agency.
- 2) Direct and supervise the administration of all departments, offices and agencies of the City, except as otherwise provided by this Charter or by law.
- 3) Attend all City Council meetings, except when excused by the Mayor or the Mayor Pro-Tem. The City Manager shall have the right to take part in discussion but shall not vote.
- 4) See that all laws, provisions of this Charter and acts of the City Council, subject to enforcement by the City Manager or by employees or officers subject to the City of Muleshoe's direction and supervision, are faithfully executed.
- 5) Prepare and submit the annual budget and capital program to the City Council and implement the final budget and capital program approved by the City Council to achieve the goals of the City.
- 6) Submit to the City Council and make available to the public a complete report on the finances and administrative activities of the City as of the end of each fiscal year.
- 7) Make such other reports as the City Council may require concerning the operations of the City.
- 8) Keep the City Council fully advised as to the financial condition and future needs of the City.
- 9) Make recommendations to the City Council concerning the affairs of the City and facilitate the work of the City Council in developing policy.
- 10) Provide staff support services for the Mayor and Council Members and assist the City Council to develop long term goals for the City and strategies to implement these goals.
- 11) Encourage and provide staff support for regional intergovernmental cooperation.

- 12) Promote partnerships among the City Council, staff and citizens in developing public policy and building a sense of community.
- 13) To execute, on behalf of the City, standard form documents, including but not limited to, deeds, release of liens, rental agreements, easements, right-of-way agreements, joint use agreements, loan documents, and other similar documents, under the following conditions:
 - a) The execution of the document is necessary to carry out a public works project; utilize, maintain or improve a City facility, street, right-of-way, easement, park or other City property, or to implement other City policies; provided that such project, program or policy has been approved by the City Council; and
 - b) That all blanks are filled in on any document correctly and that such document is consistent with the objectives approved by the City Council.
- 14) Perform such other duties as are specified in this Charter or may be required by the City Council. (Amended May 2015)

SECTION 4.02 POLICE DEPARTMENT

There shall be established and maintained a Police Department to preserve order within the City and to secure the residents of the City from violence and property therein from injury or loss.

a) **CHIEF OF POLICE**

The Chief of Police shall be the chief administrative officer of the Police Department. The Chief of Police shall, with the approval of the City Manager, appoint and remove the employees of the department and shall perform such duties as may be required of the office by the City Council. The Chief of Police shall be appointed by the City Manager with the approval of the City Council, for an indefinite term, as provided by the laws of the State of Texas. The Chief of Police shall be responsible to the City Manager for the administration of the department and the carrying out of the directives of the City Council. The Chief of Police may be removed from office by the City Manager with the approval of a majority of the City Council.

b) **SPECIAL POLICE**

No person except as otherwise provided by general law or the Charter of the ordinances passed pursuant thereto shall act as special police or special detective.

SECTION 4.03 CITY SECRETARY

The City Manager shall appoint, subject to approval by the City Council, a City Secretary for an indefinite term. unless excused by the City Council for good cause, the City Secretary shall attend all meetings of the City Council and keep accurate minutes of its proceedings. The City Secretary shall preserve and keep in order all books, papers, documents, records and files of the City Council and of the executive departments. The City Secretary shall keep a record of all commissions and licenses issued and shall countersign same. The City Secretary shall have custody of the seal of the City and shall perform such other duties as the City Manager or the City Council shall assign or as elsewhere provided for in this Charter or as required by law. (Amended May 2015)

SECTION 4.04 CORPORATE COURT

- a) There shall be established and maintained a court designated as a "Corporate Court" for the trial of misdemeanor offenses, with all such powers and duties as are now or hereafter may be prescribed by laws of the State of Texas relative to Corporation or Recorder's Courts.
- b) The City Council shall appoint a Judge of the Corporation Court who shall be a resident of the City Manager for at least two (2) years preceding the appointment. The Judge of the Corporation Court shall receive for services such compensation as may be fixed by the City Council and shall hold office at the pleasure of the City Council.
- c) The City Secretary or an Assistant City Secretary shall be ex officio clerk of said Court.
- d) The Clerk of said Court and any deputies shall have the power to administer oaths and affidavits, make certificates, affix the seal of the Court thereto, and generally do and perform any and all acts usual and necessary by the Clerk of the Court in issuing process of said Courts and conducting the business thereof.
- e) In case of the disability or absence of the Judge of the Corporation Court, the Mayor shall act as Judge of the Corporation Court.

SECTION 4.05 CITY ATTORNEY

The City Council shall appoint an attorney, licensed by the State of Texas, to be the City Attorney. The City Attorney shall be entitled to compensation for services as established by the City Council and shall serve at the pleasure of the City Council. The City Attorney, or other attorneys selected by the City Council with the approval of the City Council, shall represent the City in all litigation. The City Attorney shall be the legal advisor to the City Council and counsel for the City and all its officers and departments in the conduct of City business. (Amended May 2015)

SECTION 4.06 REPEALED MAY 2015

SECTION 4.07 OTHER DEPARTMENTS

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

ARTICLE 5 NOMINATIONS AND ELECTIONS

SECTION 5.01 CITY ELECTIONS

- a) All City elections shall be conducted in accordance with the Texas Election Code as amended.
- b) The City general election shall be held annually on the date allowed by the law in accordance with the Uniform Election Dates as established by the State of Texas Election Code as amended. The City Council shall be responsible for specification of places(s) for holding elections.
- c) The City Council may order a special election for purposes consistent with this Charter and the laws of the State of Texas. The City Council will fix the time and places for such special election and provide all means for holding same in accordance with the Texas Election Code as amended.
- d) Municipal elections shall be conducted by election officials appointed by the City Council or as prescribed by law.
- e) All municipal elections shall be publicized in accordance with the Texas Election Code. (Amended May 2015)

SECTION 5.02 FILING FOR OFFICE

- a) Candidates for Mayor or Council Member shall file for office in accordance with the Texas Election Code as amended.
- b) Candidates for Mayor or Council Member shall meet the following qualifications:
 - 1) Be a qualified voter in the City and State at the time of taking office.
 - 2) Be a resident of the City.
 - 3) Have resided continuously in the corporate limits of the City for six (6) months immediately preceding the date of the election.
 - 4) Not be in violation of any provision in this Charter.
 - 5) Be eighteen (18) years of age or older on the first day of the term to be filled at the election.
 - 6) Satisfy any other eligibility requirements prescribed by law for the office for which they are a candidate.
- c) No candidate for Mayor or Council Member may file in a single election for more than one (1) office or position as provided by this Charter and state law.
- d) No employee of the City shall continue in any City employee position after filing for an elective office provided in the Charter. (Amended May 2015)

SECTION 5.03 THE OFFICIAL BALLOT

- a) The name of each candidate seeking elective office shall be printed on the official ballot in the form designated by the candidate in accordance with the Texas Election Code.
- b) The order of the names of the candidates on the ballot shall be determined by lot in a public drawing to be held under the supervision of the City Secretary in accordance with the Texas Election Code.
- c) Procedures for early voting shall be consistent with the Texas Election Code.
- d) An ordinance, bond issue or Charter amendment to be voted on by the voters of the City shall be presented for voting by ballot title. The ballot title of a measure may be different from its legal title and shall be a clear, concise statement, approved by the City Council, describing the substance of the measure without argument or prejudice.
- e) Procedures for write-in votes shall be consistent with the Texas Election Code.

SECTION 5.04 OFFICIAL RESULTS

- a) The candidate for elective office receiving a majority of the votes cast shall be declared the winner. In the event that no candidate receives a majority of all votes cast for any one place at such election, the City Council shall, upon completion of the official canvass of the ballots, issue a call for a runoff election to be held in accordance with the Texas Election Code. At such runoff election, the two (2) candidates receiving the highest number of votes (or three (3) persons in case of tie for second place) for any one place in the first election shall be voted for again.
- b) The returns of every municipal election shall be handled in accordance with the Texas Election Code. These returns shall be delivered from the election judges to the City Secretary and the Mayor at City Hall as soon as possible after the closing of the polls. Election returns, general and special, shall be canvassed and the results declared by the City Council in accordance with the Texas Election Code. (Amended May 2015)

ARTICLE 6 RECALL OF OFFICERS

SECTION 6.01 SCOPE

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

SECTION 6.02 PETITIONS FOR RECALL

Before the question of recall of such officer shall be submitted to the qualified voters of the City, a petition demanding such question shall first be filed with the City Secretary; which said petition shall be signed by qualified voters of the City equal in number to at least thirty (30) percent of the number of votes cast at the last regular municipal election, but in no event less than one hundred fifty (150) such petitioners. Each signer shall personally sign the petition in ink or indelible pencil, and shall write his/her place of residence, and the day, month and year the signature was affixed.

SECTION 6.03 FORM OF RECALL PETITION

The recall petition must be addressed to the City Council, must distinctly and specifically point out the ground or grounds upon which such petition

for removal is predicated and, if there are more than one ground, shall specifically state each. The signature shall be verified by oath in the following form:

STATE OF TEXAS
COUNTY OF BAILEY

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

Petitioner

Sworn and subscribed to before me this ____ day of _____, 20____.

Notary Public in and for the State of Texas

SECTION 6.04 PAPERS CONSTITUTING PETITION

The petition may consist of one or more copies circulated separately, and the signatures may be on the petition, or on other papers attached thereto. Verifications provided for in this Article may be made by one or more petitioners, and the several parts of copies of the petition may be filed separately and by different persons, but no signature to such petition shall remain effective or be counted which are placed thereon more than forty-five (45) days prior to the filing of the petition. All papers comprising a recall petition shall be filed with the City Secretary on the same day, and the City Secretary shall immediately notify in writing, the officer so sought to be removed, by mailing notice to the officer's Muleshoe address.

SECTION 6.05 CERTIFICATION AND PRESENTATION OF PETITION TO COUNCIL

Within five (5) days of receiving the petition, the City Secretary shall certify the number and validity of the signatures on the petition. The City Secretary shall present the petition to the City Council at the next regular City Council meeting.

SECTION 6.06 PUBLIC HEARING TO BE HELD

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

SECTION 6.07 ELECTION TO BE CALLED

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

SECTION 6.07 ELECTION TO BE CALLED

The timing and ordering of, notices, conducting, canvassing and all other procedures for a recall election shall be in accordance with state law and occur upon the next Uniform Election Date as allowed by state law. (Amended May 2015)

SECTION 6.08 BALLOTS IN RECALL ELECTION

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

- a) With respect to each person whose removal is sought, the question shall be submitted: "Shall (name of person) be removed from the office of (name of office) by recall?"
- b) Immediately below each such question there shall be printed the two (2) following propositions one above the other, in the order indicated:
FOR the recall of (name of person)
AGAINST the recall of (name of person)

SECTION 6.09 RESULT OF RECALL ELECTION

If a majority of the votes cast at a recall election shall be against the recall of the person named in the ballot, that person shall continue in office for the remainder of the unexpired term, subject to recall as before. If a majority of the votes cast at such an election shall be for the recall of the person named in the ballot, the person shall, regardless of any technical defects in the petition, be deemed removed from office and the vacancy shall be filled as pursuant to Article 3 Section 3.06 of this Charter.

SECTION 6.10 RECALL RESTRICTIONS

No recall petition shall be filed against any officer of the City of Muleshoe within six (6) months after their election, nor within six (6) months after an election for such officer's recall.

SECTION 6.11 FAILURE OF COUNCIL TO CALL ELECTION

In case all of the requirements of this Charter shall have been met and the City Council shall fail or refuse to receive the recall petition, or order such recall election, or discharge any other duties imposed on it by the provisions of this Charter with reference to such recall, then the County Judge of Bailey County, Texas shall discharge any of such duties herein provided to be discharged by the City Secretary or by the City Council.

ARTICLE 7

LEGISLATION BY THE PEOPLE, INIATIVE AND REFERENDUM

SECTION 7.01 GENERAL POWER

The qualified voters of the City of Muleshoe, in addition to the method of legislation hereinbefore provided, shall have the power of direct legislation by the initiative and referendum.

SECTION 7.02 INITIATIVE

Qualified voters of the City of Muleshoe may initiate legislation by submitting a petition addressed to the City Council which requests the submission of a proposed ordinance or resolution to a vote of the qualified voters of the City. Said petition must be signed by qualified voters of the City equal in number to twenty percent (20%), of the number of votes cast at the last regular municipal election of the City or one hundred fifty (150), whichever is greater, and each copy of the petition shall have attached to it a copy of the proposed legislation. The petition may consist of one or more copies as permitted for recall petitions in Section 6.04 of this Charter. Such petition shall be filed with the City Secretary. The City Secretary shall present said petition and proposed ordinance or resolution to the City Council at the next regular meeting. Upon presentation to it of the petition and draft of the proposed ordinance or resolution, it shall become the duty of the City Council, within thirty (30) days after the receipt thereof, to pass and adopt such ordinance or resolution without alteration as to meaning or effect in the opinion of the persons filing the petition, or to call a special election, the timing and ordering of, notices, conducting, canvassing, and all other procedures for such a special election shall be in accordance with state

law and occur upon the next Uniform Election Date allowed by state law for such election. (Amended May 2015)

SECTION 7.03 REFERENDUM

Qualified votes of the City of Muleshoe may require that any ordinance or resolution, with the exception of ordinances or resolutions levying taxes, passed by the City Council to be submitted to the voters of the City for approval or disapproval, by submitting a petition for this purpose within thirty (30) days after final passage of said ordinance or resolution, or within thirty (30) days after its publication. Said petition shall be addressed, prepared, signed and verified as required for petitions initiating legislation as provided in Section 7.02 of this Charter and shall be submitted to the City Secretary. Immediately upon the filing of such petition, the City Secretary shall present said petition to the City Council. Thereupon the City Council shall immediately reconsider such ordinance or resolution and, if it does not entirely repeal the same, shall submit it to popular vote as provided in Section 7.02 of this Charter, pending the holding of such election, such ordinance or resolution shall be suspended from taking effect and shall not later take effect unless a majority of the qualified voters voting thereon at such election shall vote in favor thereof.

SECTION 7.04 VOLUNTARY SUBMISSION OF LEGISLATION BY THE CITY COUNCIL

The City Council, upon its own motion and by a majority vote of its members, may submit to popular vote at any election for adoption or rejection any proposed ordinance, resolution or measure, or may submit for repeal any existing ordinance, resolution or measure, in the same manner and with the same force and effect as provided in this Article for submission or petition, and may in its discretion call a special election for this purpose.

SECTION 7.05 FORM OF BALLOTS

The ballot used when voting upon such proposed and referred ordinances, resolution or measure, shall set forth their nature sufficiently to identify them and shall also set forth upon separate lines the words:

“FOR THE ORDINANCE,” and
“AGAINST THE ORDINANCE,” or
“FOR THE RESOLUTION,” and
“AGAINST THE RESOLUTION.”

SECTION 7.06 PUBLICATION OF PROPOSED AND REFERRED ORDINANCES

The City Secretary shall publish the proposed or referred ordinance or resolution in the official newspaper of the City as required by the Texas Election Code as amended. (Amended May 2015)

SECTION 7.07 ADOPTION OF ORDINANCES

If a majority of the qualified voters voting on any proposed ordinance, resolution or measure shall vote in favor thereof, it shall thereupon, or at any time fixed therein, become effective as a law or as a mandatory order to the City Council.

SECTION 7.08 INCONSISTENT ORDINANCES

If the provisions of two (2) or more proposed ordinances or resolutions approved at the same election are inconsistent, the ordinance or resolution receiving the highest number of votes shall prevail.

SECTION 7.09 ORDINANCES PASSED BY POPULAR VOTE, REPEAL OR AMENDMENT

No ordinance or resolution which may have been passed by the City Council upon a petition or adopted by popular vote under the provisions of this Article shall be repealed or amended except by the City Council in response to a referendum petition or by submission as provided in Section 7.04 of this Article.

SECTION 7.10 FURTHER REGULATIONS BY CITY COUNCIL

The City Council may pass ordinances or resolutions providing other and further regulations for carrying out the provisions of this Article consistent herewith.

SECTION 7.11 FRANCHISE ORDINANCES

Nothing contained in this Article shall be construed to be in conflict with any of the provisions of Article 10 of this Charter pertaining to ordinances granting franchises when valuable rights shall have accrued thereunder.

**ARTICLE 8
MUNICIPAL PLANNING AND ZONING**

SECTION 8.01 PLATTING OF PROPERTY

Every tract of land situated within the corporate limits of the City of Muleshoe and its Extraterritorial Jurisdiction shall be platted pursuant to the requirements and procedures of the constitution and laws of the State of Texas, and any ordinance, resolution or motion by the City Council not inconsistent with such constitution and laws.

SECTION 8.02 DEVELOPMENT OF PROPERTY

The City Council shall cooperate in every manner possible with persons interested in the development of property within or beyond the City Limits. No expenditure of funds, however, shall be authorized for the development of privately-owned sub-divisions situated within or beyond the corporate limits of the City, except the extension of utilities or services to such areas.

SECTION 8.03 PLANNING COMMISSION

The City Council shall have the authority to appoint a City Planning Commission in accordance with the general laws of the State of Texas.

**ARTICLE 9
MUNICIPAL FINANCE**

SECTION 9.01 FISCAL YEAR

The fiscal year of the City of Muleshoe shall be established by ordinance by majority vote of the City Council. Such fiscal year shall also constitute the budget and accounting year. (Amended May 2015)

SECTION 9.02 PREPARATION AND SUBMISSION OF BUDGET

The City Manager, between thirty (30) and sixty (60) days prior to the beginning of each fiscal year, shall submit to the City Council a proposed budget, which shall provide a complete financial plan for the fiscal year and shall contain the following:

- a) A budget message, explanatory of the budget, which message shall contain an outline of the proposed financial policies of the City for the fiscal year, shall set forth the reasons for salient changes from the previous fiscal year in expenditure and revenue items and shall explain any major changes in financial policy.
- b) A consolidated statement of anticipated receipts and proposed expenditures for all funds.
- c) An analysis of tax rate.
- d) An analysis of property valuations.
- e) Tax levies and tax collections by years for at least five (5) years.
- f) General fund resources in detail.
- g) Special fund resources in detail.
- h) Summary of proposed expenditures by function, department and activity.
- i) Detailed estimates of expenditures shown separately for each activity to support summary b) above.
- j) A revenue and expense statement for all types of bonds.
- k) A description of all bond issues outstanding, showing rate of interest, date of issue, maturity date, amount authorized, amount issued and amount outstanding.
- l) A schedule of requirements for the principal and interest of each issue of bonds.
- m) The appropriation ordinance.
- n) The tax levying ordinance.

SECTION 9.03 ANTICIPATED REVENUES COMPARED WITH OTHERS IN BUDGET

In preparing the budget, the City Manager shall place in parallel columns opposite the several items of revenue the actual amount of each item for the last completed fiscal year, the estimated amount of revenue for the current fiscal year and the proposed amount for the ensuing fiscal year.

SECTION 9.04 PROPOSED EXPENDITURES COMPARED WITH OTHER YEARS

The City Manager in the preparation of the budget shall place in parallel columns opposite the various items of expenditures the actual amount of each items of expenditures for the last completed fiscal year, the estimated amount for the current fiscal year and proposed amount for the ensuing fiscal year.

SECTION 9.05 BUDGET A PUBLIC RECORD

The budget and all supporting schedules shall be filed with the City Secretary, submitted to the City Council and shall be a public record. The City Manager shall provide copies for distribution to all interested parties.

SECTION 9.06 NOTICE OF PUBLIC HEARING ON BUDGET

At a meeting of the City Council at which the budget is submitted, the City Council shall fix the time and place of a public hearing on the budget and shall cause a notice of the public hearing to be published in the official newspaper of the City of Muleshoe as required by state statute. (Amended May 2015)

SECTION 9.07 PUBLIC HEARING ON BUDGET

At the time and place set forth in the notice required by Section 9.06, or at any time and place to which such public hearing shall from time to time be adjourned, the City Council shall hold a public hearing on the budget submitted and all interested persons shall be given an opportunity to be heard for or against any item or amount of any item therein contained.

SECTION 9.08 PROCEEDINGS ON BUDGET AFTER PUBLIC HEARING

After the conclusion of such public hearing, the City Council may insert new items or may increase or decrease the items of the budget, except items in the proposed expenditures fixed by law, but where it shall increase the total proposed expenditures it shall also provide for an increase in the total anticipated revenue to at least equal such proposed expenditures.

SECTION 9.09 VOTE REQUIRED FOR ADOPTION

The budget shall be adopted by the favorable vote of a majority of a quorum of the City Council.

SECTION 9.10 DATE OF FINAL ADOPTION

The budget shall be finally adopted not later than fifteen (15) days prior to the beginning of the fiscal year. Should the City Council fail to so adopt a budget, the then existing budget together with its tax levying ordinance and its appropriation ordinance, shall be deemed adopted for the ensuing fiscal year.

SECTION 9.11 EFFECTIVE DATE OF BUDGET; CERTIFICATION; COPIES MADE AVAILABLE

Upon final adoption, the budget shall be in effect for the fiscal year. A copy of the budget, as finally adopted, shall be with the City Secretary. The City shall comply with any other filings as required by state law. The final budget shall be printed and copies shall be made available for the use of all offices, and the general public in accordance with applicable state statute. (Amended May 2015)

SECTION 9.12 BUDGET ESTABLISHED APPROPRIATIONS

From the effective date of the budget, the several amounts stated therein as proposed expenditures shall be and become appropriated to the several objects and purposes therein named.

SECTION 9.13 BUDGET ESTABLISHED AMOUNT TO BE RAISED BY PROPERTY TAX

From the effective date of the budget, the amount stated therein as the amount to be raised by property tax shall constitute a determination of the amount of the levy for the purpose of the City in corresponding tax year; provided, however, that in no event shall such levy exceed the legal limit provided by the laws and constitution of the State of Texas.

SECTION 9.14 CONTINGENT APPROPRIATION

Provision shall be made in the annual budget and in the appropriation ordinance for a contingent appropriation in an amount not more than three (3) percent of the total budget, to be used in case of unforeseen items of expenditure. Such contingent appropriation shall be under the control of and distributed by the City Manager after approval of the City Council. Expenditures from this appropriation shall be made only in case of established emergencies and a detailed account of such expenditures shall be recorded and reported.

SECTION 9.15 ESTIMATED EXPENDITURES SHALL NOT EXCEED ESTIMATED RESOURCES

The total estimated expenditures of the general fund and debt service fund shall not exceed the total estimated resources of each fund (prospective income plus cash on hand). The classification of revenue and expenditure accounts shall conform as nearly as local conditions will permit to nationally accepted classifications.

SECTION 9.16 OTHER NECESSARY APPROPRIATIONS

The city budget may be amended and appropriations altered in accordance therewith in cases of public necessity, the actual fact of which shall have been declared by the City Council.

SECTION 9.17 REPEALED MAY 2015

SECTION 9.18 POWER TO TAX

The City Council shall have the power under the provisions of state law to levy, assess and collect an annual tax upon real and personal property within the City to the maximum provided by the Constitution and general laws of the State of Texas. The City Council shall also have the power to levy occupation taxes on such occupations as consistent with the general laws of the State of Texas.

SECTION 9.19 PROPERTY SUBJECT TO TAX: METHOD OF ASSESSMENT

The City Council may levy taxes on all real and personal property, privileges and franchises, of every kind and description, within the city limits or having its situs therein on January 1 of each year, and from any other local source, and provide for the rendition thereof, the place, time and manner of payment thereof, with penalties, as the City Council may deem by ordinance, not in violation of the laws of the State of Texas. (Amended May 2015)

SECTION 9.20 REPEALED MAY 2015

SECTION 9.21 REPEALED MAY 2015

SECTION 9.22 REPEALED MAY 2015

SECTION 9.23 REPEALED MAY 2015

SECTION 9.24 TAXES: WHEN DUE AND PAYABLE

All taxes due the City of Muleshoe shall be payable at such place, at such time and in such manner as may be specifically designated by the City Council by ordinance, and accordance with state law. (Amended May 2015)

SECTION 9.25 TAX LIENS

The tax levied by the City is hereby declared to be a lien, charge or encumbrance upon the property as of January 1 upon which the tax is due,

which lien, charge or encumbrance the City is entitled to enforce and foreclose in any court having jurisdiction over the same, and the lien, charge or encumbrance on the property is such as to give the state courts jurisdiction to enforce and foreclose said lien on the property on which the tax is due, not only as against any resident of this state or person whose residence is unknown, but also as against the non-residents. All taxes upon real estate shall especially be a lien and a charge upon the property which the taxes are due, which lien may be foreclosed in any court having jurisdiction. Such lien shall be prior to all other claims, and no gift, sale, assignment or transfer of any kind, or judicial writ of any kind, can ever defeat such lien.

SECTION 9.26 ISSUANCE OF BONDS

The City Manager shall have the power to issue bonds and levy a tax to support the issue for permanent improvements and all other lawful purposes.

ARTICLE 10 FRANCHISE AND PUBLIC UTILITIES

SECTION 10.01 FRANCHISE: POWER OF CITY COUNCIL

The City Council shall have the power by ordinance to grant, amend, renew, cancel for cause and extend all franchises of all public utilities of every character operating within the City of Muleshoe, and for such purposes is granted full power. All such ordinances named above shall be passed as is hereinbefore provided for all other ordinances.

SECTION 10.02 FRANCHISE VALUE NOT TO BE ALLOWED

No value shall be assigned to any franchise granted by the City of Muleshoe under this Charter in fixing reasonable rates and charges for utility service within the City and in determining the just compensation to be paid by the City for public utility property which the City may acquire by condemnation or otherwise.

SECTION 10.03 RIGHT OF REGULATION

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

- a) To repeal the same ordinance at any time upon the failure of the grantee to comply with any provision of the ordinance, the franchise, the Charter, any applicable statutes of the State of Texas or the rule of any applicable governmental body.
- b) To require proper adequate extension of plant and service and the maintenance of the plant and fixtures at the highest reasonable degree and standard of efficiency.
- c) To establish reasonable standards of service and quality of products and prevent unjust discrimination in service and rates.
- d) At any time to examine and audit the accounts and other records of any such utility and to require annual and other reports on operations within the City of Muleshoe.
- e) To impose such reasonable regulations and restrictions as may be deemed desirable or conducive to the safety, welfare and accommodation of the public.
- f) To require such compensation and rental as may be permitted by the statutes of the State of Texas.

SECTION 10.04 GRANT NOT EXCLUSIVE

No grant or franchise to construct, maintain or operate a public utility and no renewal or extension of such grant shall be exclusive.

SECTION 10.05 CONSENT OF PROPERTY OWNERS

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

SECTION 10.06 EXTENSIONS

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 of the obligations and reserved rights contained in this Charter and in any original grant and shall be terminable as provided in Section 10.04 of this Article. In case of an extension of a public utility operated under a franchise hereafter granted, such right shall be terminable at the same time and under the same conditions as the original grant.

SECTION 10.07 OTHER CONDITIONS

All franchises heretofore granted are recognized as contracts between the City of Muleshoe and the grantee, and the contractual rights as contained in

any such franchise shall not be impaired by the provisions of this Charter, except that the power of the City of Muleshoe to exercise the Right to Eminent Domain in the acquisition of utility property is in all things reserved, and except the general power of the City heretofore existing and herein provided for, to regulate the rates and services of a grantee shall include the right to require proper and adequate extensions of plant and service and maintenance of the plant and fixtures at the highest reasonable standard of efficiency.

SECTION 10.08 FRANCHISE RECORDS

Within six (6) months after this Charter takes effect every public utility franchise shall file with the City, as may be prescribed by ordinance, certified copies of all franchises owned or claimed or under which such utility is operated in the City of Muleshoe. The City shall compile and maintain a public record of public utility franchises.

SECTION 10.09 ACCOUNTS OF MUNICIPALLY OWNED UTILITIES

Accounts shall be kept for each public utility owned or operated by the City in such manner as to show the true and complete financial results of City ownership and operation. The accounts shall show actual capital cost to the City of each public utility owned, and the cost of all extensions, additions and shall show the cost of any service furnished by any such utility to any City governmental department. The City Council shall cause an annual report to be made by a Certified Public Accountant licensed to practice in the State of Texas, and shall publish the report showing the financial result of such City ownership and operation.

SECTION 10.10 SALES OF ELECTRICITY, WATER AND SEWER SERVICES

The City Council shall have the power and authority to sell and distribute electricity and water and to sell and provide for sewer services and any other utilities to any person, firm or corporation outside the city limits of the City of Muleshoe, and to permit them to connect with said system under contract with the City, under such terms and conditions as may appear to be in the best interest of the City; provided the charges fixed for such service shall be determined by the City Council.

The City Council shall have the power and authority to prescribe the kinds of materials used within or beyond the City Limits where it furnishes such service, and to inspect same and require them kept in good order and

condition at all times, and prescribe rules and regulations as may be necessary and prescribe penalties for non-compliance with same.

SECTION 10.11 REGULATION OF RATES AND SERVICES

The City Council shall have the power, after due notice and hearing, to regulate by ordinance the rates and services of every public utility operated in the City of Muleshoe; and shall have power to employ at the expense of the grantee; expert assistance and advice in determining a reasonable rate and equitable profit to the grantee.

SECTION 10.12 AUTHORITY TO EXAMINE AND AUDIT

The City Council shall have authority at any time to examine and audit the accounts and other records of any public utility operated in the City of Muleshoe, and to require annual and other reports, including reports on local operations by each such public utility.

ARTICLE 11 GENERAL PROVISIONS

SECTION 11.01 PUBLIC RECORDS

The City shall comply with the Public Information Act of the State of Texas as may be amended from time to time. (Amended May 2015)

SECTION 11.02 PERSONAL INTEREST

No officer or employee of the City shall have a financial interest, direct or indirect, in any contract with the City, nor shall be financially interested, directly or indirectly, in the sale to the City of any land, or rights or interest in any land, materials, supplies or service. The above provisions shall not apply where the interest is represented by ownership of stock in a corporation involved, provided such stock ownership amounts to less than 1% of the corporation stock. Any violation of this section shall constitute malfeasance in office, and any officer or employee of the City found guilty thereof shall there by forfeit the 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 City Council.

SECTION 11.03 NEPOTISM

No person related within the second degree by affinity, or within the third degree by consanguinity to any elected officer of the City, or to the City Manager, shall be appointed to any office, position or clerkship or other service of the City.

SECTION 11.04 PROVISIONS RELATING TO ASSIGNMENT, EXECUTION AND GARNISHMENT

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

SECTION 11.05 CITY NOT REQUIRED TO GIVE SECURITY OR EXECUTE BOND

It shall not be necessary in any action, suit or proceeding in which the City of Muleshoe is a party, for any bond, undertaking or security to be demanded or executed by or on behalf of the City in any of the State Courts, but in all such actions, suits, appeals or proceedings same shall be conducted in the same manner as if such bond, undertaking or security had been given as required by law.

SECTION 11.06 SPECIAL PROVISIONS COVERING DAMAGE SUITS

Before the City shall be liable to damage claim or suit for personal injury, or damage to property, the person who is injured or whose property is damaged or someone acting in their behalf shall give the City Manager or the City Secretary notice in writing after the occurrence of the alleged injury, or damage, stating specifically in such notice when, where and how the injury or damage was sustained, and setting forth the extent of the injury or damage as accurately as possible. No action at law for damages shall be brought against the City for personal injury or damage to property prior to the expiration of thirty (30) days after the notice hereinbefore described has been filed with the City Manager or City Secretary not later than two (2) years after the occurrence of the injury or damage to property. In case of

injuries resulting in death, before the City shall be liable in damages therefore the person or persons claiming such damages shall after the death of the injured person give notice as above required in case of personal injury. Provided, however, that nothing herein contained shall be construed to mean that the City of Muleshoe waives any rights, privileges, defenses or immunities in tort actions which are provided under the common law, the constitution and general laws of the State of Texas.

SECTION 11.07 SEPARABILITY CLAUSE

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

SECTION 11.08 EFFECT OF THIS CHARTER ON EXISTING LAW

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

SECTION 11.09 INTERIM MUNICIPAL GOVERNMENT

From and after the date of the adoption of this Charter, the persons then filling elective offices which are retained under this Charter will continue to fill those offices until the first regular City election after the adoption of this Charter as provided in Section 3.01 of this Charter.

SECTION 11.10 APPLICABILITY OF GENERAL LAWS

The Constitution of the State of Texas, the statutes of said State applicable to Home-Ruled Municipal Corporations, as now or hereafter enacted, this Charter and ordinances enacted pursuant hereto shall, in the order mentioned, be applicable to the City of Muleshoe, but the City shall also have the power to exercise any and all powers conferred by the laws of the State of Texas upon any other kind of city, town or village, not contrary to the provisions of said home-rule statutes, Charter and ordinances but not be required to conform to the laws governing any other cities, towns or villages unless and until by ordinance adopts same.

SECTION 11.11 AMENDING THE CHARTER

Amendments to this Charter may be framed and submitted to the voters of the City in the manner provided by the constitution and laws of the State of Texas. (Amended May 2015)

SECTION 11.12 CHARTER REVIEW COMMISSION

The City Council may appoint a Charter Review Commission of five citizens of the City of Muleshoe.

SECTION 11.13 SUBMISSION OF CHARTER TO VOTERS

The Charter Commission in preparing this Charter finds and decides that it is impracticable to segregate each subject so as to permit a vote of “yes” or “no” on the same, for the reason that the Charter is so constructed that in order to enable it to work and function it is necessary that it should be adopted in its entirety. For those reasons, the Charter Commission directs that the qualified voters of the City of Muleshoe at an election to be held for that purpose on July 5, 1960.

Not less than thirty (30) days prior to such election, the City Council shall cause the City Secretary to mail a copy of this Charter to each qualified voter of the City of Muleshoe as appears from the latest tax collector’s roll. If a majority of the qualified voters voting in such election shall vote in favor of the adoption of this Charter, it shall become the Charter of the City of Muleshoe, and after the returns have been canvassed, the same shall be declared adopted and the City Secretary shall file an official copy of the Charter with the records of the City. The City Secretary shall furnish the Mayor a copy of said Charter, which copy of the Charter so adopted, authenticated and certified by the Mayor’s signature and the seal of the City, shall be forwarded by the Mayor to the Secretary of State of Texas and shall show the approval of such Charter by majority of the qualified voters voting at such election.

We, the undersigned members of the Muleshoe Charter Commission heretofore duly elected to prepare a Charter for the City of Muleshoe, Texas, do hereby certify that this publication constitutes a true copy of the proposed Charter for the City of Muleshoe, Texas, and unanimously adopted by the members thereof. Submitted this the 16th day of May, 1960.

SAM E. FOX Chairman
L.I. ST. CLAIR, Vice Chairman
ROY WHITT
GILBERT LAMB
CLIFTON GRIFFITHS
OWEN JONES
JACK D. YOUNG
ALEX WILLIAMS

W.Q. CASEY
E.O. BAKER
LINDAL MURRAY
JAMES GLAZE
M.D. GUNSTREAM
HORACE EDWARDS

AMENDED APRIL 7, 1979

AMENDED MAY 9, 2015
MAYOR CLIFF BLACK
MAYOR PRO TEM IRENE MASON
COUNCIL MEMBER ERIC MCELROY
COUNCIL MEMBER GARY PARKER
COUNCIL MEMBER COLT ELLIS