

ARTICLE I

FORM OF GOVERNMENT AND BOUNDARIES

Section 1.01 INCORPORATION

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

Section 1.02 FORM OF GOVERNMENT

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

Section 1.03 BOUNDARIES AND LEGAL DESCRIPTION

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

ARTICLE II
POWERS OF THE CITY

Section 2.01 GENERAL POWERS

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

~~proposition of making it reasonably certain that all such buildings or dwelling places shall be constructed, or reconstructed, or repaired, and maintained so as to protect the safety, health and general welfare of the community, its citizens and the persons who reside in such buildings or dwelling places. The City shall have the power to undertake and engage in programs and projects for urban renewal or redevelopment as authorized by laws of the State of Texas and the Federal Government,~~

11. To establish regulations providing minimum standards for all buildings that are used or intended for use as places of human habitation, which standards shall be designed to make it reasonably certain that all such buildings or dwelling places shall be constructed, reconstructed, repaired and maintained so as to protect the safety, health and general welfare of the community, its citizens and the persons who reside in such buildings or dwelling places.

~~40.12. To undertake and engage in programs and projects for urban renewal or redevelopment as authorized by the laws of the State of Texas and the United States~~

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

Section 2.02 EMINENT DOMAIN

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

Section 2.03 ANNEXATION FOR ALL PURPOSES

The City Council shall have the power, ~~by ordinance,~~ to fix the boundary limits of the City of Socorro; and to provide for the alteration, reduction, 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 ~~its~~ inhabitants ~~in accordance with Texas law, annexed. Before the City may institute annexation or disannexation proceedings, the City Council shall provide an opportunity for all interested persons to be heard at a public hearing. Prior notice of such hearings shall be published in accordance with Chapter 43 of the Texas Local Government~~

~~Code in a newspaper having general circulation in the City and in the territory proposed to be annexed. 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 Socorro, 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 rights and privileges of all the citizens, and shall be bound by the acts, ordinances, resolutions, and regulations of the City~~

Section 2.04 DETERMINATION OF EXTRA TERRITORIAL JURISDICTION

The extra territorial Jurisdiction of the City of Socorro shall be ~~that set forth in 42.021 of determined in accordance with the Texas Local Government Code, as amended from time to time~~law.

Section 2.05 ANNEXATION PROCEDURES

The ~~Annexation~~ procedures of the City of Socorro ~~are set out in Chapter 43 of the Local Government Code~~shall comply with Texas law.

Section 2.06 DETACHMENT OF TERRITORIES

Territory lying within the ~~corporate~~ boundary limits of the City, and ~~which that~~ abuts the outer ~~corporate~~ boundary limits, may, after notice and ~~hearings other procedures~~ as ~~then~~ required by State Law ~~, by ordinance,~~ be de-annexed and detached from the City. Any such territory so detached shall be liable for its pro-rata share of any taxes and fees incurred while it was part of the City, except as provided by State Law, ~~including Local Government Code Section 43.148.~~

ARTICLE III

THE CITY COUNCIL

Section 3.01 NUMBER, SELECTION AND TERMS OF OFFICE

- A. The legislative and governing body of the City shall consist of a Mayor and five (5) ~~Council members~~City Representatives, and shall be known as the "City Council of the City of Socorro."
- B. The Mayor and the ~~Council members~~City Representatives shall be elected to serve for ~~three (3)~~ four (4) year terms and ~~not for~~ not more than two (2) consecutive terms. Council members other than the Mayor shall be elected from single member districts numbered 1, 2, 3, and 4, and one position shall be At Large. The Districts will be established, determined and district lines shall be redrawn after each federal census, if required, to comply with state and federal voting laws and regulations. Each candidate for City Council in a particular District shall be a resident of that District.
- C. The ~~Council positions~~members shall serve staggered terms ~~as determined initially by lot. Three (3) Council positions will be elected to an initial three (3) year term and two (2) Council positions and Mayoral position will be elected for an initial two (2) year term commencing in the 2010 City Council general election. Thereafter each position will be elected for three (3) year terms. The positions of Mayor, At-Large Representative, and District 4 City Representative were filled by election in November 2016, and shall continue to be filled by election in November of every fourth year thereafter. The positions of District 1 City Representative, District 2 City Representative, and District 3 City Representative were filled by election in November 2017, and shall continue to be filled by election in November of every fourth year thereafter. All terms of office for members of the Socorro City Council shall be four (4) years, and shall run from November through November of the fourth year after the member is elected.~~

Section 3.02 QUALIFICATIONS

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

The candidate shall:

- A. Be a citizen of the United States of America and qualified voter of the City of Socorro;
- ~~B.~~ Have resided for at least 12 months preceding the election within the corporate limits of the City, or for 12 months within ~~the a~~ territory ~~which that~~ has been annexed by the City;
- ~~B.~~ ~~—~~
- ~~C.~~ ~~—~~ Not be in arrears in the payments of any taxes or other liability due to the City in the last two years;
- ~~D.~~ ~~—~~ ~~A member of the City Council and the Mayor, ceasing to possess any of the qualifications specified in this section or convicted of a felony or misdemeanor (crimes of moral turpitude) while in office, or is absent from three (3) consecutive regular meetings in one year without being excused by the City Council, his or her office shall be declared vacant by City Council.~~
- ~~E.~~ ~~—~~ ~~A majority vote of the elected members of the City Council in regular session is required to declare the office vacated.~~
- ~~D.~~ ~~F.~~ ~~—~~ Show proof that his^d or her homestead and residency are one and the same; and that such property lies within the corporate boundaries of the City of Socorro.
- ~~F.E.~~ ~~—~~ Any member of the City Council who ceases to possess any of the qualifications specified in this section or is convicted of a felony of any kind or misdemeanor crime of moral turpitude while in office, or is absent from three (3) consecutive regular meetings in one year without being excused by the City Council, shall forfeit their office and the City Council shall declare that position vacant. A majority vote of elected members of the City Council is required to declare the office vacant.

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Section 3.03 MAYOR AND MAYOR PRO TEM.

- A. The Mayor shall be the official head of the City government. The Mayor shall be the chair and shall preside at all meetings of the City Council. The Mayor shall, except as provided otherwise by the City Council, sign all official documents such as ordinances, resolutions, conveyances, grant agreements, official plats, contracts and bonds. The Mayor shall appoint special committees as advisable and as instructed by the City Council. The Mayor shall perform such other duties consistent with this Charter or as may be imposed by the City Council.

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- B. The City Council shall elect from among its members an acting Mayor Pro Tem who shall act as Mayor during the absence or disability of the Mayor.
- C. The Mayor, or the Mayor Pro Tem while presiding over the City Council in the absence of the Mayor, shall vote only in the case of a tie except to pass an ordinance when the voting membership of the Council is reduced below five (5) owing to one or more absences and/or vacancies and/or abstentions. The Mayor may also vote when this Charter or any law requires more than a simple majority vote of the City Council.
- D. The Mayor Pro Tem shall serve in his or her capacity as Mayor Pro Tem for not longer than one (1) year from the date of appointment by the City Council or as long as is otherwise prescribed by Texas Law ~~as prescribed by Texas Local Government Code §22.037.~~

Section 3.04 GENERAL POWERS AND DUTIES

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

The City Council shall have all the powers necessary and incident to the proper discharge of the duties imposed upon it, and is hereby vested with all powers necessary to carry out the terms and provisions of this Charter; except where such powers

are, by this Charter, specifically reserved or conferred on some other officer.

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

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

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

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Section 3.05 COMPENSATION

The Mayor shall receive ~~fifteen~~twenty thousand dollars ~~(\$20,000.00)~~ per year, and each of the City Council members shall receive ~~ten~~fifteen thousand dollars ~~(\$15,000.00)~~ per year as compensation for their services, with an inclusion of inflation cost to be revised every four years, and any increase of salary shall be through a Charter Amendment only; and they shall be entitled to all necessary expenses incurred in the performance of their official duties or officially representing the City, when such expenses are authorized and approved by a majority vote of the members of the City Council at a meeting of the City Council. The Mayor and City Council members may be eligible to participate in the benefit programs that include health, dental, vision care, and life insurance, subject to such participation being approved by City Council.

Section 3.06 VACANCIES

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

The office of Mayor or Council_member shall become vacant upon the death, resignation, or removal from office of the incumbent. Any vacancy or vacancies, whether in the office of Mayor or Council_member, shall be filled by special election called for such purposes. The date for special elections to fill

vacancies shall be the first uniform election date after the vacancy occurs and for which there is sufficient time to call and give notice of the election as required by law; provided that, if a vacancy occurs and no such election date falls within 120 days after the date of the vacancy, the City Council shall, without regard for the specified uniform election dates, order such election to be held on Saturday within 120 days from the date of the vacancy.

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

Section 3.07 MEETINGS

- A. The City Council shall hold at least two regular meetings, the first and third Thursday of each month, except December, when at least one regular meeting shall be held, at a time to be fixed by it for such regular meetings, and may hold as many additional meetings as may be necessary for the transaction of the business of the City and its citizens. The City Council ~~has the discretion to may~~ change the regular meeting dates at their discretion.
- B. The Mayor shall, with three voting City Council members, constitute a quorum. In the absence of the Mayor, any of the four City Council members shall constitute a quorum. If, because of one (1) or more vacancies, the City Council comprises less than five (5) members, 3 voting members shall constitute a quorum. At any meeting at which both the Mayor and Mayor Pro Tem are absent, the remaining three voting Council members may appoint any Council member to preside as acting Mayor.
- C. All meetings of the City Council shall be open to the public except as provided by law. ~~(Texas Open Meeting Act)~~
- D. All meetings of the City Council shall be held at the City ~~Hall~~Council Chambers, which are currently located at 860 N. Rio Vista, Socorro, Texas 79927, except that in an emergency situation or another appropriate location designated by the City Council, may designate another place of such meetings, specifying the location on the notice of such meetings, ~~shall be~~ posted in conformance with ~~the Texas Open Meeting Act and any other~~ applicable State Law~~(s)~~.
- E. Special meetings of the City Council ~~shall may~~ be called by the City ~~Secretary-Clerk or designee~~ upon written

request of the Mayor and/or three (3) members of the City Council.

Section 3.08 RULES OF PROCEDURE

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

Section 3.09 ~~OFFICIAL BONDS FOR CITY EMPLOYEES~~

~~The City Council shall be required to maintain fidelity bonds on all municipal officers and all employees of the City who handle municipal funds. The amount of such bonds and types of coverage shall be determined by City Council and the cost shall be borne by the City.~~

RISK AND INSURANCE PROGRAM

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

Section 3.10 INTERFERENCE WITH ADMINISTRATION

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

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

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Section 3.11 INVESTIGATION BY THE CITY COUNCIL

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

Section 3.1-2 AUDIT AND EXAMINATION OF CITY BOOKS AND ACCOUNTS

A. The City Council shall cause an annual audit to be made of the books and accounts of each department, at the close of each department, by the City. At the close of each fiscal year, a complete audit shall be made by a certified public accountant or firm of certified public accountants, who shall be selected by the City Council, not more than sixty (60) days nor less than thirty (30) days prior to the end of the fiscal year and who shall have no personal interest, direct or indirect, in the fiscal affairs of the City government or any of its officers

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The City Council shall engage an annual audit to be made of the books and accounts of the City. At the close of each fiscal year, a complete audit shall be made by a Certified Public Accountant(s), who is qualified to

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perform such audit, and shall be selected by the City Council not more than sixty (60) days nor less than thirty (30) days prior to the fiscal year end, and who shall have no personal interest, direct or indirect, in the fiscal affairs of the City or any of its officers.

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

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- B. Such audit shall include a recapitulation of all internal audits made during the course of the fiscal year.
- C. All audit reports shall be filed with the City Council and shall be made a part of the archives of the City.
- D. All audits, ~~so authorized by the City Council,~~ shall be performed in accordance with written audit contracts. Such contracts shall state the period to be covered, the funds involved, the purpose of the audit, the fee to be charged, and the authority to be used in determining presentation and accounting standards.
- F. The City Council shall, at the end of each month, prepare or have prepared under its direction, a statement as to financial receipts and disbursements for that particular month, and shall have such statement not later than the 25th day of the following month and shall have a copy of said statement available in the office of the City Secretary for examination and a copy will be made, at a reasonable charge, for those who request one.
- G. An itemized Financial Statement shall be presented to all the new Council members coining into office.
- H. The auditor shall be available to the City Council throughout the budget year for special projects, reviews and reports.

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Section 3.13 ACTION REQUIRING AN ORDINANCE:

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

- A. ~~a~~Adopt or amend any code of technical regulations, or establish, alter, or abolish any City departments, office or agency;
- B. ~~Establish~~provide for a fine or other penalty, or establish a rule or regulation for a violation of which a fine or other penalty is imposed ~~and for fine to be stipulated on ordinance;~~

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- C. ~~L~~evy taxes, except as otherwise provided in Article V with respect to the property tax levied by adoption of the budget;
- D. ~~g~~Grant, renew or extend a franchise;
- E. ~~r~~Regulate the rate charged for its services by public utility;
- F. ~~A~~uthorize the borrowing of money to meet a public emergency as provided by State Law;
- G. ~~C~~onvey, ~~o~~r lease, or authorize the conveyance or lease of any lands of the City ~~of Socorro~~;
- H. ~~A~~dopt ordinances proposed under the initiative power as provided in Article VII; ~~and~~
- I. ~~A~~mend or repeal any ordinance previously adopted, except as otherwise provided in Article VII, with respect to the repeal of ordinances reconsidered under the referendum power; and
- J. ~~_____~~ ~~a~~Adopt certificates of obligation.

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Section 3.14 ORDINANCES IN GENERAL

A. ~~_____~~Form

- 1. Every proposed ordinance shall be introduced in writing and in the form required for final adoption.
- 2. Every ordinance shall contain only one subject, which shall be clearly expressed in its title.
- 3. The enacting clause shall be "Be it ordained by the City of Socorro.....".
- 4. Any ordinance which repeals or amends an existing ordinance or a part of a City code, shall set out in full the ordinance, sections, or subsections to be repealed or amended, and shall indicate the matter to be omitted by enclosing it in brackets or by strike out type, and shall indicate new matter by underscoring or by italics. Each page of the new ordinance shall be identified at the bottom of the page with the latest revision by date.
- 5. The original ordinance, repealed or amended, must be attached to the proposed ordinance.

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B. Procedure

- 1. An ordinance may be introduced by any member of the City Council at any regular or special meeting of the City Council.
- 2. Upon introduction of any ordinance, the City ~~Secretary-Clerk~~ shall:
 - a. distribute a copy of the ordinance to each member of the City Council and to the City Manager;
 - b. file a reasonable number of copies in the office of the City ~~Secretary-Clerk~~ and such other public places as City Council may designate; and

- c. publish the ordinance together with a notice setting out the time and place for a public hearing thereon and for its consideration by the City Council.
 - 3. The public hearing shall follow the publication by at least five (5) days. Public hearings may be held separately or in connection with a regular or a special City Council meeting, and may be adjourned from time to time. All persons interested shall have an opportunity to be heard; at the public hearings.
 - 4. After two (2) readings, the City Council may adopt the ordinance with or without amendments or reject it; adoption of an ordinance requires that at least three (3) members vote in favor of the ordinance. If the ordinance is amended as to any matter of substance, the City Council may not adopt it until the ordinance or its amended sections have been subjected to all the procedures required in the case of newly introduced ordinances.
 - 5. As soon as practicable after adoption of any ordinance, the City shall have it published again, together with notice of its adoption.
- C. Effective Date
Unless otherwise provided, every ordinance shall become effective five (5) days after publication of notice of the adoption.
- D. "Publish" Defined
As used in this section, the term, "publish" means to print in one or more newspapers of general circulation in the City:
 - 1. the ordinance or brief summary thereof in compliance with Local Government Code Section 52.013; and
 - 2. ~~the places where copies of it have been filed and the time when they are available for public inspection; or~~
 - 2-3. ~~as otherwise authorized by State Law.~~
- E. This section shall not apply to emergency ordinances adopted under section 3.16 of this Charter.

Section 3.15 CODE OF TECHNICAL REGULATIONS

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

- B. Copies of any adopted code or technical regulations shall be made available by the City ~~Secretary-Clerk~~ for distribution or for purchase at a reasonable price.

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Section 3.16 EMERGENCY ORDINANCES

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

Section 3.17 AUTHENTICATION AND RECORDING

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

Section 3.18 "LAME DUCK"

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

\$3,000.00; provided that in the following situations, this provision shall not apply:

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

Section 3.19 HOTEL OCCUPANCY TAX

The City shall have the power to levy and collect a hotel-motel occupancy tax, as provided under the laws of ~~the State of Texas as may be amended from time to time~~. When this tax is levied by the City Council, the proceeds shall be used as set forth in ~~Section 351.101 of the Texas Tax Code, as amended from time to time~~.

Section 3.20 NEPOTISM

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

Section 3.21 PERSONAL INTEREST

- A. No member of the City Council or any officer or employee of the City shall engage in self-dealing or have a financial interest, direct or indirect, in any contract with the City, or in the business of a contractor supplying the City, of any land or rights or interest in any land, material, supplies, or service, except on behalf of the City as an officer or employee.
- B. The City Council shall not authorize the expenditure of public funds for the development of a privately owned subdivision.
- C. Any willful violation of this section shall constitute malfeasance in office, and any officer or employee of the City found guilty thereof shall ~~thereby~~ forfeit his or her office or position. ~~Any person or entity contracting with the City who knowingly, either expressly or implicitly, violates this section shall render the contract voidable by City Council. Any violation of this section with the knowledge~~

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~~expressed or implied of the person or corporation contracting with the City shall render the contract voidable by the City Council.~~

ARTICLE IV
CITY ADMINISTRATION

Section 4.01 CITY MANAGER

- A. City Council shall appoint a City Manager by contract approved by ~~four-fifths (4/5)~~five-sixths (5/6) vote of the entire Council. The City Manager shall be a resident of the City of Socorro within six (6) months of employment. The City Manager must post a fidelity bond.
- B. The City Manager shall be the chief administrative and executive officer of the City and shall be responsible to the City Council for the Administration of the affairs of the City.
- C. The City Manager shall be chosen by the City Council on the basis of executive and administrative training, education (undergraduate or graduate degree preferred), three to five years progressive experience in an the administrative capacity and ability is preferred.
- D. The City Council shall be prohibited from appointing the City Manager to a term by contract longer than ~~twenty-four (24)~~forty-eight (48) months. The City Manager may be removed at the will and pleasure of the City Council by ~~four-fifths (4/5)~~five-sixths (5/6) vote of the entire City Council. ~~A severance package of more than six (6) months is prohibited.~~
- E. No member of the City Council shall, during the time for which he or she is ~~elected in office~~ nor for one (1) year thereafter, be appointed City Manager.
- F. The action of the City Council in suspending or removing the City ~~Manager~~ shall be final, it being the intention of this Charter to vest all authority and fix all responsibility of such suspension or removal on the City Council.
- G. In case of the absence or disability of the City Manager, the City Council may designate some qualified person to perform the duties of the office during such absence or disability.
- H. The City Manager shall receive compensation as may be fixed by the City Council.

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Section 4.02 DUTIES OF THE CITY MANAGER

The City Manager shall:

- A. with the advice and consent of the City Council, appoint, and remove all department heads of the City except as otherwise provided by this Charter or by ordinance;
- B. attend all meetings of the City Council, taking part in discussion, but having no vote, and shall be notified of all special meetings of the City Council;

- C. see that all laws, provisions of this Charter, and acts of the City Council, subject to enforcement by the City Manager or by officers, subject to his or her direction and supervision, are faithfully executed;
- D. prepare and submit the annual budget and capital program to the City Council;
- E. submit to the City Council and make available to the public a complete report on the finances and administrative activities of the City as of the end of each fiscal year;
- F. keep the City Council fully advised as to the financial condition and future needs of the City and make such recommendations to the City Council on a monthly basis;
- G. make such other reports as the City Council may require concerning the operations of the City ~~departments, offices, and agencies~~ subject to his or her direction and supervision.
- H. perform such other duties as are specified in the Charter or may be required by the City Council or the Laws of the State of Texas; and
- I. oversee the direction and completion of any grant activity and/or the obtainment of public monies whether it be on the State or Federal level, and develop a five-year strategic economic growth plan.

Section 4.03 CITY ATTORNEY

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

Section 4.04 MUNICIPAL COURT

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

Section 4.05 POLICE DEPARTMENT

The City Council shall create a Police Department by ordinance.

- A. The Chief of Police shall be the Chief administrative officer of the ~~Department of Police~~ Department.
- B. The Chief of Police shall be a certified ~~p~~Peace ~~O~~fficer in accordance with the requirements of the ~~State Statutes of the~~ State of Texas.
- C. The Chief of Police shall be a classified employee of the City subject to Civil Service ~~R~~ules and ~~R~~egulations.
- D. ~~The selection of the Chief of Police based on the recommendation of the Civil Service Commission, shall be that of the Mayor and City Council by a majority of vote of the full City Council. The City Manager shall recommend one or more candidates to the City Council to serve as the Chief of Police. After considering the City Manager's recommendation(s), the City Council shall select the Chief of Police by a majority vote of the entire City Council.~~

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

Section 4.06 FIRE DEPARTMENT

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

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

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ARTICLE VI

ELECTIONS

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Section 6.05 ELECTION BY ~~PLURALITY~~ MAJORITY

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

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