City Charter

of the City of Laredo

As Amended (2010)

Historical Sketch
of the
Founding of Laredo and Its City Charter

The City of Laredo was founded in August of 1755 by the Spanish Government by a public act of foundation known as the "Vicita-General", which laid off and established the City of Laredo in the months of May and June of that year.

The "Vicita-General" is a document containing the written proceedings of the Royal Commission that founded the City. By this document the Spanish Government granted to the inhabitants of the City “ejidos" or commons of four square leagues of land having the principal plaza of the town for a center. (City of Laredo vs. Macdonnell, 52 Texas, 511)

On January 28, 1848 the Legislature of the State of Texas, by special act, granted the City of Laredo its first charter under the government of Texas, by which charter the city limits were fixed at one square mile, of which the Rio Grande river constituted the line on the south and the upper and lower lines were equi-distant from the public plaza and ran back from the river parallel to each other to intersect the back line at right angles, all the lines being one mile in length and forming, as near as the meanders of the river would allow a perfect square. (Gammel's Law, Volume 3, page 343)

In 1850 the citizens of Laredo became dissatisfied with the narrow boundaries fixed by the act of 1848, and upon their request the boundaries of the City were changed by special act of the Legislature so as to make them the same as the original boundaries granted by the "Vicita-General", which was four square leagues. (Gammel's Laws, Volume 3, pages 760 and 798)

In 1860 the Legislature passed a special act authorizing the mayor and aldermen of the City of Laredo to sell all of the vacant porciones granted to said city by the “Vicita-General" or Royal Charter of 1767 and to convey to the purchasers thereof titles in fee simple. (Gammel's Law, Volume 5, page 195)

In 1871 the Legislature passed an act providing for the obtaining, transcribing and translating of all the acts, charters and grants affecting land on the east side of the Rio Grande river and for the archiving of the same in the General land Office at Austin. This act embraced the “Vicita-General” and the lands originally granted by it to the City of Laredo. (Gammel's Law, Volume 6, page 958)

On April 21, 1883, the City Council of Laredo, acting under provisions of the then Title 17 of the Revised Civil Statutes of Texas providing for the incorporation of cities and towns, passed a resolution surrendering the old special charter granted in 1848 and accepted the provisions of the general incorporation act of this State for cities and towns. (City Council Minute Book, Volume 3, page 120)

From this latter date to February 23, 1911, the City of Laredo operated under the general Texas incorporation act for cities and towns, when it procured its present charter

by a special act of the Legislature. (Special Acts, Regular Session 32nd Legislature, 1911, pages 58 to 89.) This latter charter is now in full force and effect as originally granted with the exception of Sections 19, 54 and 55 which were amended by a vote of the people on January 29, 1921, acting under the "Home Rule" amendment to the Texas Constitution.

The writer hereof was employed by the City of Laredo in 1911 to secure a special charter for it and he wrote and attended to the passage through the Legislature of the present charter, with the exception of the three amendments above noted, and he has made careful examination of all legislative acts affecting or changing former charters of the City, and has carefully compared this printed edition with the original special act and can vouch for its accuracy. (Marshall Hicks, February 25, 1922)

The 1911 Charter to which Mr. Hicks refers was printed in a series of four editions. The First Edition was prepared by Marshall Hicks dated February 25, 1922. The Second Edition of the Charter was prepared by Edward H. Lange, City Attorney, under the date of October 1, 1938.

The Third Edition printed was by Charter amendment elections held on July 8, 1941, January 8, 1946 and October 9, 1951.

The Fourth Edition printed included the amendments adopted at Charter amendment elections held on April 3, 1962 and November 30, 1965 and was replaced by the 1981 Charter.

The 1981 Charter was framed by members of the Laredo Charter Commission and voted upon by the citizens of the City of Laredo on January 14, 1981, and became fully effective on April 6, 1982.

On January 16, 1988 the citizens of the City of Laredo in an election on proposed charter amendments, voted favorably on certain amendments to the 1981 Charter, which amendments are incorporated in this edition. On an election held on November 7, 1995 the citizens approved several charter amendments proposed by the City Charter Commission.

On November 7, 2006 the Charter was amended with proposed revisions by members of the Laredo City Charter Revision Commission which were approved by the citizens of the City of Laredo.

A Charter Revision Commission was named on November 3, 2008 to review the charter and on July 26, 2010 the City Council approved the proposed amendments that went to the citizens of the City of Laredo who approved the present City Charter on November 2, 2010.

Gustavo Guevara, Jr. - City Secretary

CHARTER OF THE CITY OF LAREDO

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ARTICLE I

INCORPORATION, FORM OF GOVERNMENT AND POWERS OF THE CITY

Section 1.01 Incorporation

The inhabitants of the City of Laredo, in Webb County, Texas residing within the corporate limits as now established and as hereafter extended, shall continue to be and are hereby constituted a municipal body politic and corporate, in perpetuity, under the name of "City of Laredo," hereinafter referred to as the "City," and having such powers, privileges, rights, duties, and immunities as are herein provided.

Section 1.02 Form of Government

The municipal government provided by this Charter shall be known as the "council-manager government." Pursuant to its provisions and subject only to the limitations imposed by the state constitution and by this Charter, all powers of the city shall be vested in an elective council, hereinafter referred to as "the City Council," which shall enact local legislation, adopt budgets, determine policies and appoint the city manager, who shall execute the laws and administer the government of the city. All power of the city shall be exercised in the manner prescribed by this Charter, or if the manner be not prescribed, then in such manner as may be prescribed by ordinance.

Section 1.03 Powers of the City

The City is and shall continue to be a Home Rule City, with full power of local self-government, including the right to amend this Charter as provided by the constitution and laws of this State. It shall have all the powers possible for a Home-Rule City under the constitution and laws of the State of Texas, as fully and completely as though they were specifically enumerated in this Charter.

Section 1.04 Annexation

The City Council shall have the power by ordinance to fix the boundary limits of the City of Laredo, and to provide for the alteration and the extension of said boundary limits, and the annexation of additional territory in accordance with applicable provisions of the constitution and laws of the State of Texas. The City Council shall have the power by ordinance to contract with owners of land for its voluntary annexation.

Section 1.05 Construction

The powers of the City under this Charter shall be construed liberally in favor of the City, as a Home-Rule City, and the specific mention of particular powers in the Charter shall not be construed as limiting in any way the general powers stated in this article.

Section 1.06 Intergovernmental Relations

The City may exercise any of its powers or perform any of its functions by contract or otherwise, jointly or in cooperation with any state and civil authority, including the United States and foreign states.

As a general principle, the City of Laredo shall endeavor to create an environment of governmental co-operation with the County of Webb, the public school districts, and any other governmental entity or political subdivision of the State of Texas that abuts or is located within the City of Laredo. Such cooperation shall promote a seamless, efficient, effective, equitable, and accountable delivery of services to all citizens and residents of the City of Laredo and, to the extent allowable by law, to those citizens that fall under the extraterritorial jurisdiction of the City of Laredo. These endeavors shall be memorialized in the form of inter-governmental contracts, joint services agreements or memorandums of understanding, which will call for cooperation and sharing of services and resources among the governmental bodies herein mentioned.

ARTICLE II

CITY COUNCIL

Section 2.01 Composition, Qualifications and Terms

(A) Composition

There is hereby created as the governing body of the City, a City Council composed of a Mayor and eight Council Members. The City shall be divided into eight districts which shall be drawn by ordinance. A City Council Member shall be elected from each of these eight districts. Whenever the term "City Council Member" is used in this Charter it refers to a member of the City Council other than the Mayor; however, the term, "City Council" shall mean the eight Council Members and the Mayor.

(B) Qualifications

The Mayor and all City Council Members shall be registered voters of the City, and shall have resided within the City for twelve months immediately preceding the last day for filing an application for candidacy. Additionally, City Council members shall have resided within the district for which they file for candidacy for ninety (90) days preceding the last day for filing of an application for candidacy and must maintain their residence in the district from which elected throughout their term of office.

(C) Terms and Limits

The term of a City Council Member is four years. No person shall be elected as a City Council Member for more than two terms. The vacating of office by a City Council member, whether by resignation or otherwise, shall constitute a full term irrespective of the length of time served. A person who has been elected as a City Council Member through a special election to finish an unexpired term longer than two years shall be deemed to have served a full term. No person shall be elected as a City Council Member through a special election if they have been elected to two terms. The terms of City Council Members shall be staggered with half of the City Council Members being elected every two years. Subject to the prohibitions and limitations of Section 2.03(A), service as a City Council Member does not limit service in another elected position.

Section 2.02 Compensation; Expenses

Unless otherwise provided by law, each member of the City Council shall receive compensation for his or her service in office. The City Council may determine the annual salary of the Mayor and City Council members by ordinance, but no ordinance increasing such salary shall become effective for Mayor or City Council members until the date of commencement of their respective new term, provided that such respective new term follows the adoption of the ordinance by at least three (3) months. The Mayor and City Council Members shall get a salary deduction to be assessed for each unexcused absence

from any regular City Council meeting. The Mayor and City Council Members shall receive reimbursement for their actual and necessary expenses incurred in the performance of their duties of office.

Section 2.03 Prohibitions

(A) Holding Other Office

Except where authorized by law, neither the Mayor nor a Council Member shall hold any other City office or City employment during the term for which he or she was elected, and no former Mayor or Council Member shall hold any compensated appointive City office or City employment until one year after the expiration of the term for which he or she was elected.

(B) Appointments and Approvals

Unless it is otherwise specifically provided in this Charter, City Council shall not in any manner dictate the appointment or removal of any City administrative officer or employee whom the City Manager or any of his subordinates are empowered to appoint or remove, but the City Council may express its views and fully and freely discuss with the City Manager anything pertaining to appointment and removal of such officers and employees.

(C) Interference with Administration

Except for the purpose of inquiries for obtaining information or reporting problems with services and of investigations under Section 2.06, the City Council shall deal with City officers and employees who are subject to the direction and supervision of the City Manager solely through the City Manager and they shall not give orders to any such officer or employee either publicly or privately.

Section 2.04 Vacancies: Forfeiture of Office, Filling of Vacancies

(A) Vacancies

The office of the Mayor or of a Council Member shall become vacant upon death, resignation, removal from office in any manner authorized by law, or by forfeiture of office.

(B) Forfeiture of Office

The Mayor or a Council Member shall forfeit office if he or she:

(1) lacks at any time during the term of office any qualification for holding the office prescribed by this Charter or by law;
(2) fails to meet the residency requirements for election to office;
(3) is convicted of a crime involving moral turpitude or felony;

(4) fails to attend three consecutive regular Council meetings without being excused by the Council; or
(5) violates the prohibited personal financial interest provision set forth in Section 12.01 or any other provisions of this Charter that prescribe forfeiture.

(C) Filling of Vacancies

Any vacancy or vacancies occurring within the City Council and the office of the Mayor shall not be filled by appointment but shall be filled by majority vote of the qualified voters at a special election called for such purpose within 120 days after such vacancy or vacancies occur.

Section 2.05 Judge of Qualifications

The City Council shall be the judge of the election and qualifications of its members and of the grounds for forfeiture of office. The City Council shall have the power to subpoena witnesses, administer oaths and require the production of evidence. A member charged with conduct constituting ground for forfeiture of office shall be entitled to a public hearing. Notice of such hearing shall be published in one or more newspapers of general circulation in the City at least one week in advance of the hearing. Decisions made by City Council under this section are subject to judicial review.

Section 2.06 Investigation

The City Council shall have the power to inquire into the official conduct of any department, agency, office, or employee of the City. For this purpose the City Council shall have the power to administer oaths, subpoena, witnesses, and to compel the production of books, papers, 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 the ordinance.

Section 2.07 Procedure

(A) Meetings

The City Council shall meet regularly at least once each month at such time and place as the City Council may prescribe by ordinance. Special meetings may be called upon the written request of the Mayor or at least four Council Members. All meetings shall be posted by the City Secretary and conducted in accordance with the Texas Open Meetings Act.

(B) Rules and Minutes

The City Council shall determine its own rules and orders of business, and shall provide for keeping minutes of its proceedings. These minutes shall be a public record.

(C) Voting

Voting, except on procedural matters, shall be by roll call and the ayes and the nays shall be recorded in the minutes. The Mayor and any four (4) Council Members or any five (5) Council Members shall constitute a quorum, but a smaller number may adjourn from time to time and may compel the attendance of absent members in the manner and subject to the penalties prescribed by the rules of the Council. No action of the Council shall be valid or binding unless adopted by the affirmative vote of four or more Council Members. However, the affirmative vote of five (5) Council Members is required for levying of taxes, entering into contracts by the city, appropriating money from the City funds, granting any franchise or privilege for the use of the City streets or other public areas, conveying City lands, or passage of an emergency ordinance. For the purpose of the previous sentence, whenever there shall be an affirmative vote of four members of the Council, this shall be deemed a tie and thus the Mayor votes in accordance with Section 2.15(3).

Section 2.08 Action Requiring an Ordinance

In addition to other acts required by law or by specific provisions of this Charter to be done by ordinance any and all of the following acts must also be done by ordinance:

(1) Adopt or amend an administrative code or establish, alter or abolish any City department, office or agency;

(2) Provide for a fine or other penalty or establish a rule or regulation for violation of which a fine or other penalty is imposed;

(3) Levy taxes;

(4) Grant, renew or extend a franchise;

(5) Regulate the rate charged for services by a public utility;

(6) Authorize the borrowing of money;

(7) Convey or lease or authorize the conveyance or lease of any lands of the City;

(8) Create certain boards and commissions provided by state law;

(9) Amend or repeal any ordinance previously adopted; and

(10) Prescribe standards for issuance of business or other licenses; and

(11) Determine the salary of all elected and appointed City officials and employees.

Acts other than those referred to in the preceding sentence may be done either by ordinance or by resolution as prescribed by law.

Section 2.09 Ordinance in General

(A) Form

Every proposed ordinance shall be introduced in writing and in the form required for final adoption. No ordinance shall contain more than one subject and such subject

shall be clearly expressed in its title. The enacting clause shall read: "Be it ordained by the City Council of the City of Laredo..." Any ordinance amending an ordinance or a part of the city code shall set out in full the ordinance, section or subsection to be amended, and shall indicate the matter to be omitted by enclosing it in brackets and by using strikeout type and shall indicate new matters by underscoring and by using italics.

(B) Procedure

An ordinance may be introduced by any member of the Council at any regular or special meeting of the Council. Upon introduction of any ordinance, the City Secretary shall distribute a copy to each member of the City Council, and shall file a reasonable number of copies in the office of the City Secretary and such other public places as the Council may designate, including the Internet. Except as provided in Section 2.11, no ordinance shall be submitted for a vote of the Council at the same meeting at which it was introduced. Except as provided in Section 8.03, it shall not be necessary that an ordinance be read more than one time before submission for a vote of the Council. The City Council must have a public hearing or inquiry sixty (60) days before it increases any type of taxes or service charges, or passes any bond issue, or utility rate increase. A public hearing shall also be required where State or Federal statutes or regulations provide.

(C) Effective Date

Except as otherwise provided in this Charter, or by ordinance or by law, all ordinances and resolutions passed by the Council shall take effect at the date indicated therein.

(D) Publication of Ordinances

Any ordinance imposing any penalty, fine, or forfeiture shall after the passage thereof, be published one (1) time in the official newspaper before the same shall go into effect. In lieu of publication of the full text of the ordinance, it shall be sufficient to publish the descriptive caption or title of the ordinance, stating in summary the purpose of the ordinance and the penalty for violation thereof. The ordinance shall take effect and be in force from and after the publication thereof, unless otherwise expressly provided.

Section 2.10 Authentication and Recording; Publication and Codification

(A) Authentication and Recording

The City Secretary shall authenticate by his/her signature and record in full, in a properly indexed book kept for the purpose all ordinances and resolutions adopted by the Council.

(B) Publication and Codification

The Council shall cause each ordinance and each amendment to this Charter to be made available to the public promptly upon its adoption. The Council shall provide for the preparation of a general codification of all City ordinances having the force of law.

The general codification shall be adopted by the Council by ordinance and shall be published promptly in loose-leaf form together with this Charter and any amendments thereto. The official copy of the Code of Ordinances in the office of the City Secretary shall be kept up to date and properly indexed. It shall not be necessary to repeat in the Code of Ordinances technical codes adopted by reference. One copy of the Code shall be furnished to City officials and officers. It shall also be placed in libraries and public offices for public reference and made available electronically and for purchase by the public at production cost. Amendments to the Code of Ordinances may also be purchased by the public as they become available.

(C) Printing

The council shall cause each ordinance and each amendment to this Charter to be printed promptly following its adoption, and the printed ordinances, and Charter amendments shall be distributed or sold to the public at reasonable prices to be fixed by the Council. Following publication of the first Laredo City Code and at all times thereafter, the ordinances and Charter amendments shall be printed in substantially the same style as the code currently in effect and shall be suitable in form for integration therein.

Section 2.11 Emergency Ordinances

To meet a public emergency affecting life, health, property or the public peace, the Council may adopt one or more emergency ordinances but such ordinances may not levy taxes, grant, renew or extend a franchise, regulate the rate charged by any public utility for its services or authorize the borrowing of money. 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. An emergency ordinance may be adopted with or without amendment or rejected at the meeting at which it is introduced, but the affirmative vote of five (5) Council members shall be required for adoption. After its adoption the ordinance shall be published and printed as prescribed for other adopted ordinances. It shall become effective upon adoption or at such later time as it may specify. Every emergency ordinance shall automatically stand repealed as of the sixty-first (61st) day following the date on which it was adopted, but shall not prevent re-enactment of the ordinance in the manner specified in this section if the emergency still exists. An emergency ordinance may also be repealed by adoption of a repealing ordinance in the same manner specified in this section for adoption of emergency ordinances.

Section 2.12 Ordinances Still in Force

All ordinances of said City now in force not contrary to the provisions of this Charter and the laws of this State shall continue in force until repealed.

Section 2.13 Codes of Technical Regulations

The 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 prescribed for ordinances generally except that:

(1) The requirements in Section 2.09 for distribution and filing of copies of the ordinance shall be construed to include copies of the code of technical regulations as well as the adopting ordinances, and

(2) A copy of each adopted code of the technical regulations as well as of the adopting ordinance shall be authenticated and recorded by the City Secretary pursuant to Section 2.10.

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

Section 2.14 Mayor: Election and Term

There shall be a Mayor elected by the qualified voters of the City at large. The Mayor shall serve a four (4) year term with a limit of two (2) elected four year terms excluding time served through appointment or election to an unexpired term.

Section 2.15 Powers and Duties of the Mayor

(1) Shall preside at Council meetings;
(2) Shall be recognized as the head of the City Government and as the official representative of the City but shall have no administrative duties;
(3) Shall only vote in case of a tie of Council Members;
(4) Shall have the veto power and his/her veto may be overridden by a vote of five (5) Council Members.

Section 2.16 City Secretary

The City Manager shall recommend a City Secretary whose appointment shall be confirmed by the affirmative vote of no less than five Council members. The City Secretary shall report to and be evaluated by the City Manager. It shall be the duty of the City Secretary to attend every meeting of the City Council and keep accurate minutes of the proceedings thereof in a book to be provided for that purpose and to engross and enroll all laws, resolutions and ordinances of the City Council; to keep the corporate seal;

to take charge of and preserve and keep in order all the books, records, papers, documents, and files of said Council; to countersign all commissions issued to the City officers and licenses issued; and any other duties and responsibilities as may be assigned by the City Council or state statute. The City Secretary may be removed from office by the affirmative vote of no less than five Council Members.

Section 2.17 Internal Auditor

The City Council shall appoint and evaluate an officer of the City who shall have the title of Internal Auditor and whose functions and duties shall be determined by ordinance. The Internal Auditor may be replaced or terminated by the affirmative vote of no less than five Council Members.

ARTICLE III

CITY MANAGER

Section 3.01 Appointment; Compensation

The City Council, by the affirmative vote of no less than five Council Members, shall appoint a City Manager for an indefinite term and fix the manager's compensation. His/her compensation shall be reviewed on a yearly basis upon the anniversary of his/or employment date.

Section 3.02 Qualifications

The City Manager shall be appointed on the basis of executive and administrative qualifications. He/she shall have a Bachelor's Degree and no less than seven years experience in municipal government, five of which must be supervisory managerial experience. A Master's Degree in Public Administration is preferred. The City Manager need not be a resident of the City or State at the time of appointment, but must reside inside the City while in office.

Section 3.03 Removal

The City Manager shall not be appointed for a definite term, but may be removed at the will and pleasure of the City Council by the affirmative vote of no less than five Council Members. The action of the City Council in removing the City Manager shall be final, it being the intention of the Charter to vest all authority and fix all responsibility for such removal on the City Council.

Section 3.04 Acting City Manager

By letter filed with the City Secretary, the City Manager shall designate, subject to approval of the City Council, a qualified City administrative officer to exercise the powers and perform the duties of City Manager during his/her temporary absence or disability. During such absence of disability, the Council may revoke such designation at any time and appoint another officer of the City to serve until the City Manager shall return or his/her disability shall cease. In the event the City Manager is incapacitated and cannot or will not designate an Acting City Manager, then the City Council shall appoint an Acting City Manager by the affirmative vote of no less than five Council Members.

Section 3.05 Powers and Duties of the City Manager

The City Manager shall be the chief administrative and executive officer of the City. He/she shall be responsible to the City Council for the administration of all City affairs placed in his/her charge by or under this Charter. He/she shall have the following powers and duties:

(1) Shall appoint and, when he/she deems it in the best interest of the City, suspend, reassign, or terminate any City department directors provided for by or under this Charter, except as otherwise provided by law, this Charter or personnel rules adopted pursuant to this Charter. Department directors shall have the power to appoint, remove, or suspend all employees in their respective departments pursuant to policy as stated in Section 4.01(B), Directors of Departments;

(2) Shall 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) Shall attend all City Council meetings and shall have the right to take part in discussion but may not vote;

(4) Shall see that all laws, provisions of this Charter and acts of this Council, subject to enforcement by the City Manager or by officers subject to City Manager's direction and supervision, are faithfully executed;

(5) Shall prepare and submit the annual budget and capital program to the City Council;

(6) Shall 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) Shall make such other reports as the City Council may require concerning the operations of City departments, offices and agencies subject to his/her direction and supervision;

(8) Shall 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 concerning the affairs of the City as he/she deems desirable, and

(9) Shall perform such other duties as are specified in this Charter or may be required by the City Council.

ARTICLE IV

ADMINISTRATIVE DEPARTMENTS

Section 4.01 General Provisions

(A) Creation of Departments

The Council may by ordinance establish City departments, offices or agencies in addition to those created by this Charter and may prescribe the functions of all departments, offices and agencies. No function assigned by this Charter to a particular department, office or agency may be discontinued or assigned to any other, except as otherwise provided by law or this Charter.

(B) Director of Departments

Department directors shall have supervisory responsibility over their respective departments and be subject to Section 3.05(1) and (2) and any other applicable provisions contained in this Charter.

Section 4.02 City Attorney

The chief legal counsel for the City of Laredo shall be the City Attorney. In representation of the City, the City Attorney shall advise the Council, the City Manager and all city departments in matters legal. The City Attorney shall also represent the City in legal proceedings and shall perform such other duties as may be prescribed by this charter or by ordinance.

The City Manager appoints the City Attorney subject to the confirmation by the affirmative vote of no less than five Council Members. The City Attorney shall serve until removed upon the recommendation of the City Manager and the affirmative vote of no less than five Council Members.

ARTICLE V

MUNICIPAL COURT

Section 5.01 Municipal Court

There shall be a court known as The Municipal Court of the City of Laredo with such jurisdiction, powers, and duties as are given and/or prescribed by the laws of the State of Texas.

Section 5.02 Judge of the Municipal Court

The Judge of the Municipal Court shall preside over and administer the operation of the Municipal Court. The Judge shall be an attorney, licensed to practice in the courts in the State of Texas and shall reside within the city limits. The Judge shall be elected in the City at large. No person shall be elected as a Judge for more than two terms. The vacating of office by the Municipal Court judge, by resignation or otherwise, shall constitute a full term irrespective of the length of time served for a four year term with a limit of two elected four year terms in addition to any time served through appointment or election to an unexpired term. A judge shall not engage in the private practice of law. Notwithstanding this prohibition, a judge may act pro se and may, without compensation, give legal advice to and draft or review documents for a member of the judge's immediate family. The Judge of the Municipal Court shall receive such salary as shall be fixed by ordinance.

The Associate Municipal Judges shall be licensed to practice in the courts of the State of Texas. The Municipal Court Judge shall recommend one Associate Municipal Court Judge and the City Manager shall recommend one Associate Municipal Court Judge, and both must be confirmed by the affirmative vote of no less than five Council Members.

Section 5.03 Clerk of the Municipal Court

There shall be a Clerk of the Municipal Court who shall be nominated by the City Manager and then confirmed by the affirmative vote of no less than five Council Members, and who shall serve at the pleasure of the Council. The status of the Clerk of the Municipal Court shall be that of a department director. The clerk shall have the power to administer oaths and affidavits, make certificates, affix the seal of the court thereto, and otherwise perform any and all acts necessary in issuing process of such court and conducting the business thereof.

There shall be such Deputy Clerks of the Municipal Court as may be authorized by the Council, who shall have authority to act for and on behalf of the Clerk of the Municipal Court and who shall be appointed by the Clerk of the Municipal Court.

ARTICLE VI

FINANCIAL PROCEDURES

Section 6.01 Fiscal Year

The City shall operate on a fiscal year commencing on the first of October and ending on the last day of September.

Section 6.02 Submission of Budget

At least sixty (60) days before the end of the fiscal year, the City Manager shall present to the Council a budget for the ensuing fiscal year with an accompanying budget message.

Section 6.03 Budget Message

The City Manager's message shall explain the budget in fiscal terms and in terms of work programs and capital programs. It shall outline the proposed financial policies embodied in the budget of the City for the ensuing fiscal year. The message shall describe the important features of the budget and indicate any major changes from the current year in financial policies, expenditures, and revenues together with the reasons for such changes. It shall include a summary of the City's debt position and major policies and changes in this area. The City Manager may include any other items deemed necessary.

Section 6.04 Budget

The budget shall provide a complete financial plan of all city funds and activities for the ensuing fiscal year and, except as required by law or this charter, shall be in such form as the City Manager deems desirable or the Council may require. The budget shall begin with a clear general summary of its contents; shall show in detail all estimated income indicating the proposed property tax levy, with estimated collectible and uncollectible amounts, and all proposed expenditures, including debt service, for the ensuing fiscal year; and shall be so arranged as to show comparative figures for actual and estimated income and expenditures of the current fiscal year and actual income and expenditures of the preceding fiscal year.

It shall indicate in separate sections:

(1) The proposed goals and objectives and expenditures for current operations during the ensuing fiscal year, detailed for each fund by organization unit, and program, purpose or activity, and the method of financing such expenditures;

(2) Proposed capital expenditures during the ensuing fiscal year, detailed for each fund by organization unit when practicable and the proposed method of financing each such capital expenditure;

(3) The anticipated income and expense and profit and loss for the ensuing year for each utility or other enterprise fund operated by the City;

(4) The bonded debt and other indebtedness of the city showing the debt redemption and interest requirements, the debt authorized and unissued, the condition of the sinking funds and the borrowing capacity of the City. If at any time the General Fund balance falls below 15% of appropriated funds, staff will develop a plan, approved by the City Council, to be implemented during the ensuing fiscal year to restore the fund balance to 15%.

(5) No funds, tax proceeds, or appropriations will be set aside specifically for any non-city government function, activity, department, agency or firm unless such entities have entered into a contract, agreement, engagement or study with the City, and such contract, agreement, engagement or study is included in the budget as finally approved and adopted by the Council.

Excess carry over funds from a prior fiscal year may be appropriated in the ensuing fiscal year for one time appropriations only. Such funds shall not be used for recurring annual operating costs. For any fund, the total of proposed expenditures shall not exceed the total of estimated income plus carried forward fund balance, exclusive of reserves.

Section 6.05 Capital Program

(A) Submission to Council

The City Manager shall prepare and submit a five year capital program at least 60 days before the end of the fiscal year.

(B) Contents:

The capital program shall include:

(1) A clear general summary of its contents;

(2) A list of all capital improvements which are proposed to be undertaken during the five fiscal years next ensuing with appropriate supporting information as to the necessity for such improvements;

(3) Cost estimates, method of financing and recommended time schedules for each such improvement; and

(4) The estimated annual cost of operating and maintaining the facilities to be constructed or acquired.

The above information may be revised and extended each year with regard to capital improvements still pending or in process of construction or acquisition.

(C) Exception to Capital Program

The cost of utility expansion must be made by those requesting expansion and the City Council will not obligate any citizen by adjusting the utility rate to defray cost.

Section 6.06 Council Action on Budget and Capital Improvement Projects

(A) Notice of Hearing

The Council shall publish on five separate days in a newspaper of general circulation in the City, a notice of the general summary of the budget and capital improvements projects. The notice must state:

(1) The times and places where copies of the budget and capital improvements projects are available for inspection by the public; and

(2) The time and place, not less than fourteen (14) calendar days after such publication, for a public hearing on the budget. The Council shall hold at least one public hearing during the period of its consideration.

(B) Amendment Before Adoption

After the public hearing the Council may adopt the budget with or without amendment. In amending the budget, it may add or increase programs or amounts and may delete or decrease any programs or amounts, except expenditures required by law or for debt service or for estimated cash deficit, provided that no amendment to the budget shall increase the authorized expenditures to an amount greater than the total of estimated income, nor appropriations be made in the budget to pay expenditures of a previous fiscal year.

(C) Adoption

The Council shall adopt the budget on or before the last day of the month of the fiscal year currently ending. If the City Council fails to adopt a budget by this date, the budget of the previous year shall be deemed to be adopted. Adoption of the budget shall constitute appropriations of the amounts specified therein as expenditures from the funds indicated and shall constitute a levy of the property tax therein proposed.

In accepting the budget, the Council shall complete drafts of the proposed budget ordinance, including an appropriation ordinance and such other ordinances as may be required to finance the budget. The City Council, by resolution, shall adopt the capital improvements projects with or without amendment after the public hearing and on or before the last day of the current fiscal year.

Section 6.07 Amendments After Adoption

(1) Supplemental Appropriations

If during the fiscal year the City Manager certifies that there are available for appropriation revenues in excess of those estimated in the budget, the Council by ordinance may make supplemental appropriations for the year, up to the amount of such excess. The appropriations shall only be made after a public hearing establishes a need for such supplemental appropriations.

(2) Emergency Appropriations

To meet a public emergency affecting life, health, property or the public peace, the Council may make emergency appropriations. To the extent that there are no available unappropriated revenues to meet such appropriations, the Council may by such emergency ordinance authorize the issuance of emergency notes which may be renewed from time to time but the emergency notes and renewals thereof of any such year shall mature and be payable not later than the last day of the fiscal year.

(3) Reduction of Appropriations

If at any time during the fiscal year it appears that the revenues available will be insufficient to meet the amount appropriated, the City Manager shall report to the Council without delay, indicating the estimated amount of the deficit, any remedial action taken and recommendations as to any other steps to be taken. The Council shall then take such further action as it deems necessary to prevent or minimize any deficit and for that purpose it may by ordinance reduce one or more appropriations.

(4) Transfer of Appropriations

At any time during the fiscal year the City Manager may transfer part or all of the unencumbered appropriation balance among programs within a department, office, or agency and, upon written request by the City Manager, the Council may, by ordinance, transfer part or all of any unencumbered appropriation balance from one department, office or agency to another.

Section 6.08 Lapse of Appropriations

Every appropriation, except an appropriation for a capital expenditure, shall lapse at the close of the fiscal year to the extent that it has not been expended or encumbered. An appropriation for a capital project shall continue in force until the purpose for which it was made has been accomplished or abandoned; the purpose of any such appropriations shall be deemed abandoned if five (5) years pass without disbursement from or encumbrance of the appropriation.

Section 6.09 Administration of Budget

(A) Work Programs and Allocations

At such time as the City Manager shall specify, each department, office or agency shall submit work programs for the ensuing fiscal year showing the requested funds, categorized by line items, for the fiscal year. The City Manager shall review and authorize such funds with or without revision as early as possible in the fiscal year. The City Manager may revise such funds during the year and if deemed desirable shall revise them to accord with any supplemental, emergency, reduced or transferred appropriations made pursuant to Section 6.07.

Section 6.10 Financial Reports

The Manager shall, within thirty (30) days, after the close of each quarter of the City's fiscal year, present to the Council, and make available to the public, unaudited financial statements indicating the financial condition of the City. These statements shall include a Combined Balance Sheet of all funds, an Analysis of Change in Fund Balance, a Statement of Revenue (Actual and Estimated), a Statement of Expenditures and Encumbrances compared with the authorizations. An analysis of the Debt Service Funds and the General Long Term Debt Group Accounts shall also be provided quarterly, showing the debt authorized, issued and unissued, the condition of the sinking funds and the borrowing capacity of the City.

Section 6.11 Independent Audit

Within thirty (30) days after the close of the fiscal year, the Council shall obtain an independent audit, by a certified public accountant firm, of all City Funds, Block Grants, and any other accounts associated with the City Funds for the preceding fiscal year. As an integral part of the audit, a compliance audit of all major grants shall be provided. Upon completion of the audit, the results thereof shall be reported in writing to the Council as soon as reasonably possible following the close of the fiscal year, and said report shall be public record. The results of this audit shall be published within thirty (30) days after completion. The Council shall, by request for qualifications, designate such accountant or firm annually or for a period of two (2) years, with an option to renew annually for a period not to exceed four years. The auditing firm selected shall have no personal interest, either direct or indirect with the City government, its management or personnel. The firm must be recognized as independent and void of any circumstances which reasonable people might believe to likely influence independence. To protect the integrity of the audit, the Council is prohibited to engage the same firm to perform any other kind of service whatsoever during the period of their audit engagement.

Section 6.12 Borrowing

The Council shall have the power, except as prohibited by law, to borrow money by whatever method it may deem to be in the public interest.

The total overall outstanding debt shall be limited to 10% of the total assessed valuation of the City.

Section 6.13 Bonds

(A) General Obligation Bonds

The City shall have the power to borrow money on the credit of the City and to issue general obligation bonds for the acquisition of property for permanent public improvements or for any other public purpose not now or hereafter prohibited by the Constitution and laws of the State of Texas. Except for the refunding of bonds previously issued, any proposition to borrow money and to issue such bonds shall first be approved by a majority of the voters at an election called for the purpose of authorizing the issuance of such indebtedness. The ordinance calling such election and the manner of conducting the election shall conform in all respects to the general laws of the State of Texas.

It shall be the duty of the Council to levy an annual tax sufficient to pay the interest on and provide the necessary sinking fund required by law on all outstanding general obligation bonds of the City. The interest and sinking fund shall be deposited in a separate account and shall not be diverted to or used for any other purpose than to pay the interest and principal on such bonds or for investment in such securities as may be provided by law. The sinking fund maintained for the redemption of any debt may be invested in any interest bearing bonds of the United States government and State of Texas or in any other securities not prohibited by the laws of the State of Texas. These funds may not be pledged as security or collateral for borrowing by the City.

(B) Revenue Bonds

The City shall have the power to borrow money for the purpose constructing, purchasing, improving, extending or repairing of public utilities, recreational facilities or facilities for any other self liquidating municipal function not now or hereafter prohibited by any general law of the State and to issue revenue bonds to evidence the obligation created thereby. Such bonds shall be a charge upon and payable solely from the properties, or interest therein, acquired and to the income therefrom, and shall never be a debt of the City. The Council shall have authority to provide for the terms and form of the purchase agreement, contract, mortgage, bond or document desired or necessary for the issuance of revenue bonds and the acquisition and operation of any such property or interest.

(C) Certificates of Obligation

The City Council is hereby authorized to issue Certificates of Obligation in accordance with the laws of the State of Texas.

(D) Sale of Bonds

Before bonds are sold they shall be submitted to and approved by the Attorney General of Texas in the manner and with the effect provided by the laws of the State of Texas.

(E) Bonds Incontestable

All bonds of the City having been issued and sold and having been delivered to the purchaser thereof, shall thereafter be incontestable and all bonds issued to refund in exchange for outstanding bonds previously issued shall and after said exchange be incontestable.

Section 6.14 City Depository

The City shall designate a primary bank to provide depository and specified banking services. The designation of such bank shall be made through a depository contract. A Request for Proposal for such contract shall clearly state the services that the City is requesting and the award of the contract shall be based on the lowest proposed cost for those services, or lowest compensating balance, or combination of both as is determined to be in the best interest of the City. The depository contract shall not exceed a period of five years.

The City Manager shall deposit all public funds in excess of the amount provided as a compensating balance on deposit. If a compensating balance is a term of the depository contract, funds in excess of that amount shall be available for investments authorized under the investment laws of the State of Texas.

The designation of a primary depository bank shall not restrict the City from entering into depository contracts with other financial institutions for the purposes of investing and/or receiving services not provided by the depository bank.

The City Manager shall comply with the terms of the depository agreement and such official shall not be liable for the loss of any money of said City so deposited by reason of any failure or suspension of such bank.

ARTICLE VII

TAXATION

Section 7.01 Department of Taxation

There shall be a Department of Taxation, the head of which shall be the City Tax Assessor and Collector, who shall be appointed by the City Manager, and shall be responsible for the assessment and collection of all taxes levied by the City of Laredo.

Section 7.02 Powers of Taxation

The City shall have the power to levy, assess and collect taxes in an amount and of every character and type not prohibited by the Constitution and laws of the State of Texas for any municipal purposes. The power and authority thus conferred upon the City Council shall not be restricted or limited by any other provisions of this Charter.

Section 7.03 Tax Payments

All taxes due the City of Laredo shall be payable at the office of the City Tax Assessor and Collector and may be paid any time after assessments have been made final by the Council.

Taxes shall become due on October 1st of the year of levy and shall be paid by the following January 31st. Taxes for the current year not paid by April 30th of the year following the year of levy and all taxes for each year thereafter not paid by January 31st following the year of levy shall be subject to penalty in accordance with State Law. There shall be no extension of time for payment of taxes, nor remission, discount, or compromise of any tax, penalty and interest legally due to the City. The City Council, however, may provide a discount for early payment.

Section 7.04 Tax Liens and Liability

All property, real, personal and mixed, situated in the City of Laredo in the first day of January of each year shall be charged with a lien in favor of the City for the taxes due thereon. All issues of liability, priority of liens, foreclosure and collection of same shall be in accordance with the Texas Tax Code.

Section 7.05 No Separate Assessments

The City Tax Assessor and Collector shall not be required to make separate assessments of joint or conflicting interest in any real estate.

Section 7.06 Arrears of Taxes; Offset to Debt Against City

No money shall be paid by the City upon any claim, debt, demand or account whatsoever, to any person, firm or corporation who is in arrears to the City of Laredo for taxes; and the City shall be entitled to counter-claim and offset against any such debt, claim, demand or account in the amount of taxes so in arrears, and no assignment or transfer of such debt, claim, demand or account after the said taxes are due, shall affect the right of the City to so offset the said taxes against the same.

ARTICLE VIII

FRANCHISES, PUBLIC UTILITIES, & MUNICIPAL OWNED ENTERPRISES

Section 8.01 Inalienability of Public Property

The right of use of the public streets, highways, byways, sidewalks, alleys, parks, public squares, public places, and other public facilities of the City is hereby declared to be inalienable by the City, except by ordinances not in conflict with the provisions of this Charter. No act or omission by the Council or any officer or agent of the City shall be construed to grant, renew, extend, or amend by estoppel or indirection any right, franchises or easement affecting said public streets, highways, byways, sidewalks, alleys, parks, public squares, public places, other public facilities and other real property.

Section 8.02 Power to Grant Franchise

The Council shall have the power by ordinance to grant, renew, and extend all franchises of all public utilities of every character operating within the City, and, with consent of the franchise holder to amend the same. No franchise shall be granted for an indeterminate term, and no franchise shall be granted for a term of more than twenty-five (25) years.

Section 8.03 Ordinance Granting Franchise

Every ordinance granting, renewing, extending, or amending a public utility franchise shall be read at three (3) regular meetings of the Council, and shall not be finally acted upon until thirty (30) days after the first reading~~s~~ thereof.

Within five (5) days following each of the three (3) readings of the ordinance, the full text thereof shall be published one time in some newspaper of general circulation of the City, and the expense of such publication shall be borne by the prospective franchise holder. No such ordinance shall become effective until the expiration of sixty (60) days following the date of its final adoption.

Section 8.04 Transfer of Franchise

No franchise shall be transferred by the holder thereof by ordinance.

Section 8.05 Regulation of Franchise

Every grant, renewal, extension, or amendment of a franchise, or not provided in the granting ordinance is subject to the right of the Council to:

(1) forfeit the franchise at any time for failure of the franchisee to comply with the terms of the franchise, after a due process hearing;

(2) impose reasonable regulations to insure safe, efficient and continuous service to the public;

(3) require such expansion and extension of plants and facilities as are necessary to provide adequate service to the public;

(4) require every franchisee to furnish to the City, without cost to the City, full information regarding the location, character, extent and condition of all facilities of such franchisee in, over and under the streets, alleys, and other public property of the City; and to regulate and control the location, relocation, and removal of such facilities;

(5) collect from every franchisee operating in the City its fair and just proportion of the expense of excavating, grading, paving, repaving, constructing draining, repairing, maintaining, lighting, sweeping, and sprinkling such portions of the alleys, bridges, culverts, viaducts, and other public places and ways of the City as may be occupied or used in whole or in part by such franchisee; or to compel such franchisee to perform, at its own expense, its just share of such excavating grading, paving, repaving, constructing, draining, repairing, maintaining, lighting, sweeping and sprinkling;

(6) require every franchisee to allow other franchisees to the use of its tracks, poles, wires, pipes or other facilities, including bridges and viaducts, whenever the Council, after notice and hearing, finds such use to be in the public interest; provided Council shall fix reasonable rental to be paid to the owner of the franchise of the facility for such use.

(7) (a) prescribe the form of accounts kept by every franchisee;
(b) examine and audit at any time the accounts and records of any franchisee;
(c) require reports in such form and frequency as prescribed by Council.

(8) require and collect any compensation; as allowed by law; and

(9) require such franchisees who request an increase in rates, charges or fares, to reimburse the City for reasonable expenses incurred in employing rate consultants to conduct investigations, present evidence and advise the Council on such requested increase.

Section 8.06 Water, Gas, Electricity, and Other Essential Services

The City may provide its inhabitants with water, gas, electricity and other essential services as may be determined by the Council. The Council shall have the power to construct or purchase facilities to provide these services and to regulate and prescribe the rates and terms for such services. The City may contract with public or private companies to provide the city and its inhabitants with water, gas, electricity, and other essential services. The Council shall have the power to regulate and prescribe the rates and terms for these services.

Section 8.07 Accounts of Municipally Owned Utilities and Enterprises

Accounts shall be kept for each utility owned or operated by the City in such manner as to show the true and complete financial results of such City ownership and operation, including all assets appropriately subdivided into different classes, all

liabilities subdivided by class, depreciation reserve, other reserves and surplus; also revenues, operating expense including depreciation, interest payments, rental and other distribution of annual income. The accounts shall show the actual capital cost to the City of each public utility owned, also the cost of all extensions, additions and improvements and the source of the funds expended for such capital purposes. Accounting records shall show the cost of any service furnished to or rendered by any such utility or enterprise to any other City or governmental department. The City Council shall annually cause to be made and published a report showing the financial results of such City ownership and operation giving the information specified in this section and such additional data as the City Council shall deem expedient.

ARTICLE IX

PLANNING AND ZONING

Section 9.01 Planning and Zoning Director

There shall be a Planning and Zoning Department headed by a director who shall be appointed and removed by the City Manager with approval of the City Council. The responsibilities of the planning director include:

(1) advising the City Manager on any matter affecting the physical development of the City;
(2) formulating and making recommendations to the City Manager for a comprehensive plan;
(3) reviewing and making recommendations regarding proposed Council action implementing the comprehensive plan pursuant to established planning procedure;
(4) participating in the preparation and revision of the capital improvement program;
(5) advising the City Planning and Zoning Commission in the exercise of its responsibilities and to provide necessary staff assistance.

Section 9.02 City Planning and Zoning Commission

There shall be a City Planning and Zoning Commission consisting of nine members nominated by the Mayor and Council who shall serve at the pleasure of the City Council and appointed by a majority of a quorum of the City Council, but in no event by less than the affirmative vote of four Council Members. The Mayor and Council Members shall nominate one member each from among the qualified voters of the City for the term of the officeholder who made the nomination. Upon vacancy, subsequent nomination shall be by the Major or Council Members of the respective district corresponding to the original appointment. Members of the Commission shall hold no other City office, employment, or appointment. The Commission shall make recommendations to the City Manager and the City Council on all matters affecting the physical development of the City, shall be consulted on the creation and implementation of the comprehensive plan, and shall exercise all other responsibilities as may be provided by law. Reasons for forfeiture of office by a commissioner shall include failure to attend three consecutive meetings without being excused by the Commission.

Section 9.03 Comprehensive Plan

(A) Content

The Council shall adopt, and shall review or modify each year before the adoption of the budget, a comprehensive plan to govern the future physical development of the City. The requirements and contents of the comprehensive plan shall be specified by ordinance.

(B) Adoption

The City Manager shall submit the proposed comprehensive plan or proposed modification of the existing plan. The Council shall refer such proposal to the City Planning and Zoning Commission which shall within a time specified by the Council, report its recommendations thereon. After receipt of the recommendations of the Commission, the Council shall hold a public hearing on the proposed comprehensive plan or modification thereof and shall thereafter adopt it by resolution with or without amendment.

(C) Effects

The comprehensive plan shall serve as a guide to all future Council action concerning land use and development regulations, urban renewal programs and expenditures for capital improvements.

Section 9.04 Implementation of the Comprehensive Plan

(A) Land Use and Development Regulations

By ordinance, the Council may adopt land use and development regulations, including but not limited to an official land use map and zoning and subdivision regulations.

(B) Urban Renewal

The Council may, by ordinance, provide for redevelopment, rehabilitation, conservation and renewal programs for:

(1) the alleviation or prevention of slums, obsolescence, blight, or other deleterious conditions, and

(2) the achievement of the most appropriate use of land and environmental protection.

(C) Council Action

Before acting on any proposed ordinance concerning land use and development, where such ordinance refers to a matter covered by the comprehensive plan, the Council shall refer the proposal to the Planning and Zoning Commission, which shall within a time specified by the Council and prior to the public hearing on the proposed ordinance report its recommendations thereon. Prior to adopting any such ordinance, the Council shall report on the relationship between the ordinance and the comprehensive plan. In the event that the ordinance is adopted and does not accord with the comprehensive plan, the plan shall be deemed to be amended in accordance with the ordinance.

Section 9.05 Board of Adjustment

By ordinance, the Council shall establish a board of adjustment and shall provide standards and procedures for such board to hear and determine those matters specified in accordance with Texas Local Government Code, Section 211.008 et. seq. There shall be nine members who shall be appointed for terms of two years. The Mayor and each member of the City Council shall nominate one member of the Board who will be appointed by a majority of the City Council for service during the term of the officeholder who made the nomination, and further, that upon vacancy, subsequent nomination shall be by the Mayor or Council Member from the respective district corresponding to the original appointment.

ARTICLE X

NOMINATIONS AND ELECTIONS

Section 10.01 City Elections

(A) Regular Elections

The regular City election shall be held on a date determined by City Ordinance in compliance with the Texas Election Code and the Texas Constitution.

(B) Qualified Voters

All citizens qualified under the Constitution and Laws of the State of Texas to vote in a City election and who satisfy the requirements for voter registration prescribed by law shall be qualified voters of the City within the meaning of this Charter.

(C) Conduct of Elections

Except as otherwise provided by this Charter, the provisions of the general election laws of the State of Texas shall apply to elections held under this Charter. All elections provided for by the Charter shall be conducted by the election authorities established by law.

Section 10.02 Nominations

Any person filing for office shall file an application with the City Secretary in accordance with the Texas Election Code.

Section 10.03 Ballots

The ballot shall be prepared in accordance with the Texas Election Code. Candidates shall draw for position on the ballot in accordance with the Texas Election Code.

Section 10.4 Determination of Election Results

(A) Majority

A majority vote for any office is that number of votes which is a majority of the total number of valid ballots cast for the office concerned. Any candidate who receives a majority vote shall be declared elected. If none of the candidates for any particular office receives a majority vote none of such candidates shall be declared elected.

(B) Runoff Election

If under the foregoing provisions of this section one or more offices remain unfilled after the election, a runoff election shall be held according to the current Texas Election Code to fill them. The names (in each case) shall be those of the two candidates polling the greatest numbers of votes in the initial election.

Section 10.05 Ballots for Ordinances and Charter Amendments

An ordinance 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 differ from its legal title and shall be a clear, concise statement describing the substance of the measure without argument or prejudice. Below the ballot title shall appear the following question: "Shall the above described (ordinance) (amendment) be adopted?" Immediately below such question shall appear in the following order, the words "yes" and "no" and to the left of each a square in which by making a cross (X) the voter casts his vote.

Section 10.06 Council Districts; Adjustment of Districts

(A) Number of Districts

There shall be eight (8) City Council districts.

(B) Redistricting Commission

The Council shall appoint sixteen (16) registered City voters who shall comprise the Redistricting Commission. The Commissioners shall not be employed by the City in any capacity. Each Council member will appoint two (2) commissioners.

(C) Report; Specifications

By the first day of January after every Federal census, or as soon as feasible, after release of certifiable population figures by the federal census the Redistricting Commission shall file a report with the City Secretary containing a recommended plan for adjustment of the Council district boundaries to comply with these specifications: (1) each district shall be formed of compact, contiguous territory, as nearly rectangular as possible, and its boundary lines shall follow the center lines of streets; (2) each district shall contain as nearly as possible the same number of people but districts shall not differ in population by more than ten (10) percent of the population in the smallest districts created.

The report shall include a map and description of the districts recommended and shall be drafted as a proposed ordinance. Once filed with the City Secretary the report shall be introduced as an ordinance by a Council member.

(D) Procedure

The procedure for the Council's consideration of the report shall be the same as for other ordinances, provided that if a summary of the ordinances is published pursuant to Section 2.09, it must include both the map and the description of the recommended districts.

(E) Failure to Enact Redistricting Ordinances

The Council shall adopt the ordinance no more than 90 days from the date of its introduction. If not adopted by the City Council by the 91st day, the report of the Redistricting Commission shall be deemed to have been adopted.

(F) Enactment

The new Council districts and boundaries, as of the 181st day after adoption of the redistricting ordinance, shall supersede previous Council district boundaries for all purposes of the next regular City election. The new districts and boundaries shall supersede previous districts and boundaries for all other purposes as of the date on which all Council members elected at that regular City election take office.

(G) Incumbent Options on Redistricting Changes

The redistricting changes affect the boundaries of the district that a particular Council member represents, as follows:

(1) A council member serving a first term of office who is eligible for re-election may:
   (a) choose to finish out the term the Council member was elected to; or
   (b) choose to run for election in the new district that the Council member resides in.

The end result would mean that the Council member will have served the City for two terms and a total of six years. The original council district will now have a two-year unexpired term open for another candidate to seek election to.

(2) A council member completing a final (second) term of office may:
   (a) choose to finish out the term the Council member was elected to represent in the original district; or
   (b) choose not to represent the district and thus a two-year unexpired term is left vacant for election.

ARTICLE XI

INITIATIVE, REFERENDUM, AND RECALL

Section 11.01 Recall Provisions

Any elected official may be removed from office by recall. A petition stating the specific grounds on which removal is sought shall be signed by the registered voters equal in number to ten (10%) percent of the votes cast in the City or District election to which the elected official was elected to office and shall be filed with the City Secretary by any registered voter who is eligible to vote in the proposed recall election. The recall petition shall have a time limit of six (6) months from the earliest date of any signature on the petition to the date of its filing with the City Secretary. Furthermore, no recall petition shall be filed against an elected official within six months after taking office nor within six months of the end of the elected term. A person subjected to recall election and not removed may not be the subject of another recall election for six months.

Section 11.02 Signatures to Petition

The signatures to recall petitions need not all be appended to one petition and may be duplicated and assembled, but to each separate paper there shall be attached an affidavit of the person circulating the petition and such paper shall be invalid without such affidavit. Each signer of any petition paper shall, after his/her signature, show the place of residence by street and number, voter registration certificate number, and the date that the signature was affixed on the petition. The affidavit attached to each petition or duplicate shall be as follows:

State of Texas
County of Webb

_____, being duly sworn, deposes and says that he/she personally circulated the foregoing paper, that all the signatures affixed thereto were made in his/her presence, and that he/she believes them to be the genuine signatures of the persons whose names they purport to be.

Signed _____
Subscribed and sworn to before me this ____ day of _____, 20___.

_____
Notary Public
State of Texas

Section 11.03 Filing, Examination, and Certification of Recall Petition

All petition papers comprising a recall petition shall be assembled and filed with the City Secretary as one instrument. Within twenty (20) days after filing, the City Secretary shall determine whether each paper of the recall petition is properly attested and whether the petition is signed by the requisite number of registered voters. Upon

completing the examination, the City Secretary shall certify the results to the Council. If the recall petition is deemed to lack the required number of verified registered voters, the City Secretary shall set forth in detail the particulars in which it is defective; provided, however that except as to the particulars certified to be defective, the petition shall be deemed to be valid in all other respects.

Section 11.04 Amendment of Petitions

Exclusive of the six (6) month time limit stated in Section 11.01, a recall petition may be amended only once within twenty (20) days after certification of insufficiency by the City Secretary, by filing a supplementary petition upon additional papers signed and filed as provided in case of an original petition. The City Secretary shall, within ten (10) days after the supplement is filed, examine the supplementary petition and, if the amended petition is then found to be insufficient, the City Secretary shall file his certificate to that effect and notify the person filing the same and no further action shall be taken on such insufficient petition. The findings of the insufficiency of a petition shall not prevent the filing of a new petition for this same purpose.

Section 11.05 Recall Election Ordered

If a recall petition, is certified by the City Secretary to be sufficient, he shall at once submit it to the Council and notify the person whose removal is sought of such action. The Council shall order a recall election which shall be held at the next allowable election date under the Texas Election Code but, in no event, less than thirty (30) days after the petition has been certified. Resignation prior to the recall election shall cancel the election.

Section 11.06 Ballots in Recall Elections

Ballots used in recall elections shall read as follows:

"Shall (name of person) be removed from the office of _____ by recall?"
Below such question there shall be printed the following as to each person.

"For the removal of (name of person)."
"Against the removal of name of person)."

Section 11.07 Result of Recall Election

If a majority of the votes cast are against the recall of a person he/she shall continue in office for the remainder of his/her term, but shall remain subject to the recall provisions. If a majority of such votes are for the recall of a person he/she shall, regardless of any defect in the recall petition be deemed removed from office.

Section 11.08 Limitation on Recall Petitions

No recall petition shall be filed against a person within six months after taking office nor within six months of the end of the individual's term. A person subjected to recall election and not removed may not be the subject of another recall election for six months.

Section 11.09 Power of Initiative

The electors shall have the power to initiate any ordinance not in conflict with the Constitution or laws of the State of Texas or this Charter, and to adopt or reject the same at the polls.

Section 11.10 Power of Referendum

The electors shall have the power to approve or reject at the polls any ordinance passed by the Council. Ordinances submitted to the Council by initiative petition and passed by the Council shall be subject to the referendum in the same manner as other ordinances.

Section 11.11 Form of Petition

Any initiated ordinance or any ordinance subject to a referendum shall be submitted to the Council in a petition signed by qualified electors of the City equal in number to ten (10) percent of the electors qualified to vote at the time of the last regular municipal election. The petition shall be filed with the City Secretary and in the case of referendum, the petition must be filed within sixty (60) days after the enactment by the Council of any ordinance which is subject to a referendum.

The petition papers of an initiative or referendum shall be uniform in size and style. The initiative petition shall contain the full text of the proposed ordinance. The signatures need not all be attached to one page, but each separate page shall contain a statement that the signatory personally circulated the foregoing page (or paper), that all the signatures appended thereto were made in the signatory's presence and that the signatory believes them to be the signatures of the persons whose names they purport to be. Each signer to any petition shall sign in ink or indelible marker and shall indicate after their name their place of residence by street and number, and include the person's voter registration certificate number, and date of signature.

Section 11.12 Filing, Examination and Certification of Petition

All petition papers of an initiative or referendum shall be assembled and filed with the City Secretary as one document. Within twenty (20) days after a petition is filed, the City Secretary shall determine whether the petition contains the proper statement as per Section 11.11 above, and whether the petition has been signed by a sufficient number of qualified electors. The City Secretary shall reject as invalid or

insufficient any petition which does not comply with the provisions of this Charter. The City Secretary shall certify the result of the examination to the Council at its next regular meeting. If the City Secretary certifies that the petition is insufficient or invalid, the particulars shall be set forth in the certificate. The person filing the petition shall be notified promptly of the City Secretary's findings.

Section 11.13 Amendment of Petition

A petition for an initiative or a referendum may be amended at any time within twenty (20) days after the notification of rejection or insufficiency has been sent by the City Secretary. Amendments are to be made by filing supplements and additional pages signed and filed as provided in the case of an original petition. The City Secretary shall, within ten (10) days after such amendment is filed, examine the amended petition and, if the petition is still insufficient, the City Secretary shall file a certificate to that effect and notify the person filing the amendment of the findings. No further action shall be taken on such petition. The findings of the insufficiency of a petition shall not prevent the filing of a new petition for the same purpose.

Section 11.14 Ordinance Not Suspended by Referendum

An initiative shall not go into effect until it is approved by the City Council. The certification of a referendum petition shall not suspend the ordinance to which it is addressed.

Section 11.15 Consideration by Council

(A) Initiative Petition

The Council shall immediately consider an initiative petition upon its receipt from the City Secretary. A proposed initiative ordinance shall be read and provision shall be made for a public hearing. The Council shall take final action on the ordinance no later than sixty (60) days after the date on which such ordinance was submitted to the Council by the City Secretary.

(B) Referred Ordinance

The Council shall reconsider a referred ordinance and shall, within thirty (30) days from the receipt of the petition for referendum from the City Secretary vote upon the question, "Shall the ordinance be repealed?"

Section 11.16 Submission to the Electors

If the Council does not pass an ordinance proposed by an initiative petition, or passes it in a form different from that set forth in the initiative petition, or if the Council does not repeal a referred ordinance, the proposed or referred ordinance shall be submitted to the electors at the next special or regular municipal election.

Section 11.17 Form of Ballot for Initiated and Referred Ordinances

Ordinances submitted to a vote of the electors in accordance with the initiative and referendum provisions of this Charter shall be submitted under a ballot title which shall contain a clear, concise statement, without argument, of the substance of such ordinance. The ballot used shall have below the ballot title the following proposition, one above the other, in the order indicated "FOR THE ORDINANCE" and "AGAINST THE ORDINANCE." Any number of ordinances may be voted on at the same election and may be submitted on the same ballot.

Section 11.18 Results of Election

If a majority of the electors voting on a proposed initiative ordinance shall vote in favor thereof, it shall thereupon be an ordinance of the City. A referred ordinance which is not approved by a majority of the electors voting thereon shall thereupon be deemed repealed. If conflicting ordinances are approved by the electors at the same election, the one receiving the greatest number of affirmative votes shall prevail to the extent of such conflict.

Section 11.19 Repealing Ordinances; Publication

Initiative and referendum ordinances adopted or approved by the electors shall be published and may be amended or repealed by the Council, as in the case of other ordinances. No ordinance adopted by the Council in response to an initiative petition shall be a amended or repealed by the Council within six (6) months of the adoption; and no ordinance repealed by the Council in response to a referendum petition shall be reenacted by the Council within six (6) months of the repeal.

ARTICLE XII

GENERAL PROVISIONS

Section 12.01 Personal Financial Interest

(A) Every officer and employee of the City shall be held to the highest standards of conduct and ethics in the performance of their duties and responsibilities to the City; and they shall not engage in any conduct or activity that is in conflict with or that has the appearance of a conflict with their duties to City or its best interest. Conflicts with the interests of the City include, but are not limited to financial conflicts of interest, the misuse of confidential information, and the use of City property for other than City purposes.

(B) Any violation of this standard of conduct shall cause a forfeiture of office and/or employment with the City. Any contract entered into as a result of the violation of this standard of conduct or that violates this standard of conduct, is voidable.

Section 12.02 Ethics Commission

The City Council shall, by ordinance, adopt a Code of Ethics, and establish an Ethics Commission to review and recommend standards of conduct not inconsistent with this Charter and with the Code of Ethics and to investigate all allegations of violations of the Code. The Ethics Commission shall consist of nine (9) members. The Mayor and each member of the City Council shall nominate one member of the Commission. Each nominee must be appointed by a majority of a quorum of the City Council, but in no event by less than the affirmative vote of four Council Members. The term of the commission member shall be for the term of the officeholder who made the nomination. Upon vacancy, subsequent nominations shall be by the mayor for mayoral appointments or the Council Member of the respective district corresponding to the original appointment.

Section 12.03 Civil Service Commission

The City Council shall establish a Civil Service Commission, for employees of City other than its fire fighters and police officers, <u>whose decision on matters brought before it shall be final. Furthermore,</u> the functions, composition and power shall be determined by ordinance. The Commission shall consist of nine (9) members. The Mayor and each member of the City Council shall nominate one member of the Commission. Each nominee must be appointed by a majority of a quorum of the City Council, but in no event by less than the affirmative vote of four Council Members. The term of the commission member shall be for the term of the officeholder who made the nomination. Upon vacancy, subsequent nomination shall be by the Mayor for mayoral appointments or the Council Member of the respective district corresponding to the original appointment.

Section 12.04 Nepotism

No person related within the second degree by affinity or within the third degree by consanguinity to the Mayor, any Council Member, any elected City official, City Manager, or any member of any City board or commission shall be appointed to any office, position, clerkship, or other position with the City. This prohibition shall not apply, however to any person who shall have been continuously employed by the City for a period of two (2) years or more prior to the election of the Mayor, Council member, or elected official or to the appointment of the City Manager or member of a board or commission related to such appointee in the prohibited degree.

Section 12.05 Oath of Office

Every person elected or appointed to any office in the City shall, before entering upon the duties of the office, take and subscribe to the oath of office in prescribed by Article XVI, Section I of the State Constitution.

Section 12.06 Prohibitions

(A) Activities Prohibited

(1) No person shall be appointed to or removed from, or in any way favored or discriminated against with respect to any City position or appointive City administrative office because of race, gender, age, disability, political or religious opinions or affiliations.

(2) No person shall willfully make any false statement, certificate, mark, rating or report in regard to any test, certification or appointment under the personnel provisions of this Charter or the rules and regulations made thereunder, or in any manner commit or attempt to commit any fraud preventing the impartial execution of such provisions, rules and regulations.

(3) No person who seeks appointment or promotion with respect to any City position or appointive City administrative office shall directly or indirectly give, render or pay any money, service or other valuable thing to any person in connection with his/her test, appointment, proposed appointment, promotion or proposed promotion.

(4) No person, including city employees, shall knowingly or willfully solicit or assist in soliciting any assessment, subscription or contribution for any political party or political purpose to be used in conjunction with any city election from any city employee.

(5) No city employee shall knowingly or willfully make, solicit or receive any contribution to the campaign funds of any political party or committee to be used in a city election or to campaign funds to be used in support of or opposition to any candidate for election to city office or city ballot issue. With the exception of members of council, no employee or officer of the city shall, in any way, participate in political activity of any nature while on duty, in uniform or using city resources except for that required by the employee election procedure for appointments of members of the Civil Service Commission. With the exception only of the City Manager, any Deputy City Manager,

any Assistant City Manager, the City Secretary, all of the staff of the City Secretary, all other officers and employees of the City of Laredo may participate in political activity, provided that no coercion or retaliation concerning political activity shall be allowed. None of the following: the City Manager, any Deputy City Manager, any Assistant City Manager, the City Secretary, and all of the staff of the City Secretary, shall, at any time, take part in any political activity on city related issues except to provide factual information at the direction of the City Manager, to express their own opinions privately, and to cast their votes.

(6) Any elected or appointed official or City employee who negligently or intentionally loses, damages, or injures records, documents or property of the City must reimburse the City for such losses.

(7) No payments shall be made or obligation incurred against any allotment or appropriation except in accordance with appropriations duly made and unless the City Manager or his designee first certifies that there is a sufficient unencumbered balance in such allotment or appropriation and that sufficient funds there from are or will be available to cover the claim or meet the obligation when it becomes due and payable.

(B) Penalties

The City Council shall enact such ordinance or ordinances as it deems necessary to enforce this section and prescribing a fine for any violation. Any person finally convicted of a violation of any such ordinance shall be ineligible for a period of five (5) years thereafter to hold any City office or position. If such person is an officer or employee of the City, they shall immediately forfeit the office or position.

Section 12.07 Charter Amendment

Amendments to this Charter may be framed and submitted to the voters of the City in the manner provided by Chapter 9 of the Local Government Code of Texas, as now or hereafter amended.

Section 12.08 Separability

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

Section 12.09 Charter Commission; **Charter Amendment**

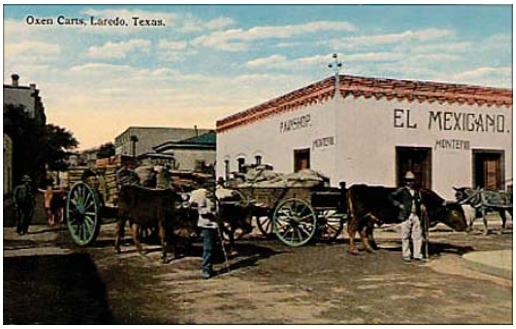
The City Council shall each appoint a representative to a City Charter Commission to make recommendations to the City Council for amendment or amendments to said charter. The Commission shall consist of nine (9) members. The Mayor and each member of the City Council shall nominate one member of the Commission. Each nominee must be appointed by a majority of a quorum of the City Council, but in no event by less than the affirmative vote of four Council Members. The

term of the commission member shall be until revisions to the City Charter are presented to City Council. The foregoing sentence is cumulative of the provision of the Texas Election Code, which provides that (1) the city council, on its own motion, may submit a proposed charter amendment to the city's qualified voters for their approval at an election; and (2) the city council shall submit a proposed charter amendment to the voters for their approval at an election if the submission is supported by a petition signed by a number of qualified voters of the city equal to at least 5% of the number of qualified voters of the city, or 20,000, whichever number is smaller.

CITY HALL. LOOKING SOUTH. FLORES AVENUE. LAREDO, TEXAS.

University of Texas
Institute of Texan Cultures

ARCHIVO HISTORICO MUNICIPAL
NUEVO LAREDO, TAMPS.

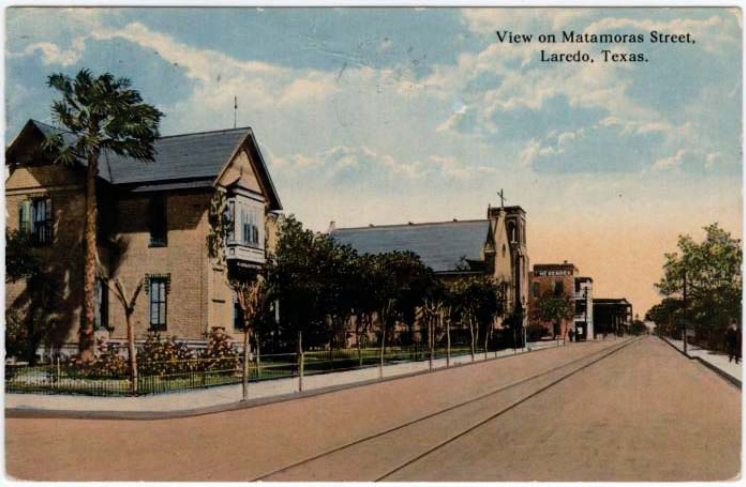

Oxen Carts, Laredo, Texas.
EL MEXICANO.
MONTERIA

CASA CAMPO
MONEY EXCHANGE
THE TEXAS CASINO
DANCING
AVENIDA GUERRERO
NUEVO LAREDO, TAMPS.

HIDALGO STREET. LAREDO, TEXAS.

CITY DR
BOTICA

J. VILLEGAS & BRO.


View on Matamoras Street,
Laredo, Texas.

GOOD-BY-FOREVER-STREET CARS
1889- 1935