

HOME RULE

CHARTER

CITY CHARTER OF THE CITY OF LAMESA, TEXAS*

ARTICLE I. CORPORATE NAME

Sec. 1. Corporate name.

All the inhabitants of the City of Lamesa, in Dawson County, Texas, as the boundaries and limits of said city are herein established, shall be a body politic, incorporated under and to be known by the name and style of the “City of Lamesa,” with such powers, rights and duties as are herein provided.

ARTICLE II. MUNICIPAL BOUNDARIES

Sec. 1. Boundaries

The boundaries of the City of Lamesa shall be the same as have been heretofore established and now exist which boundaries are more fully set out in an Order for Election recorded in the Commissioners Court Minutes.

State law reference—Municipal boundaries and annexation, V.T.C.A., Local Government Code, ch. 41 et seq.

Sec. 2. Extension of boundaries.

The limits of said corporation may be hereafter extended by adding additional territory to the same whenever the majority of the qualified electors of said territory shall indicate a desire to be included within the limits of said corporation in the manner provided in Article 781, Chapter 1, Title 22 of the Revised Civil Statutes of the State of Texas.

State law reference—Article 781, chapter 1, title 22 of the Revised Civil Statutes is now codified as the Texas Municipal Annexation Act in section 43.024 of the Local Government Code. This section refers to the authority of a type A general-law municipality to annex area on request of area voters. The city is restricted by this charter to annexation in this manner.

Sec. 3. Platting of property.

The City Council shall have the authority to provide for the regulation of development and to provide for the platting and subdivision of land within the City and the City’s extra-territorial jurisdiction. Should any property situated within the City Limits, as herein established or as may be hereafter established or within the extraterritorial jurisdiction of the City as provided by law

be platted into blocks or lots, the owner of said property shall comply with all ordinances adopted by the City Council and with all provisions of state law.

State law reference—Regulation of subdivision and property development, V.T.C.A., Local Government Code, ch. 212.

ARTICLE III. CORPORATE POWERS

Sec. 1. General.

(a) The City of Lamesa, made a body politic and corporate by the legal adoption of this Charter, shall have perpetual succession; may use a common seal; may sue and be sued; may contract and be contracted with; implead and be impleaded in all courts and places and in all matters whatever; may take, hold and purchase such lands, within or without the city limits, as may be needed for corporate purposes of said city, and may sell any real estate or personal property owned by it; perform and render all public service, and when deemed expedient may condemn property for corporate use, and may hold, manage and control the same; and shall be subject to all duties and obligations now pertaining to or incumbent upon said city as a corporation, not in conflict with the provisions of this Charter; and shall enjoy all rights, immunities, powers, privileges and franchises now possessed by said city and herein conferred and granted; and, except as prohibited by the Constitution of the State of Texas or restricted by this Charter, the City of Lamesa shall have and may exercise all municipal powers, functions, rights, privileges and immunities of every name and nature whatsoever. In addition to the powers enumerated in Article 1175, Revised Statutes of Texas 1925, as heretofore amended, as though such statutes were set forth herein.

(b) The enumeration of particular powers by this Charter shall not be held or deemed to be exclusive, but, in addition to the powers enumerated therein or implied thereby, or appropriate to the exercise of such powers, it is intended that the City of Lamesa shall have, and may exercise, all powers which under the Constitution and statutes of the State of Texas it would be competent for this Charter specifically to enumerate. All powers of the city, whether expressed or implied, shall be exercised in the manner prescribed by this Charter or, if not prescribed therein, then in the manner provided by ordinance or resolution of the council.

State constitution reference—A home-rule city acts by authority directly conferred by art. 11, sec. 5 of the Constitution of the State of Texas.

State law reference—Article 1175 of the 1925 Revised Civil Statutes of Texas is now codified in chapter 51 of the Local Government Code.

Sec. 2. Powers of ordinances.

The City of Lamesa shall have the power to enact and enforce all ordinances necessary to protect health, life and property, and to prevent and summarily abate and remove all nuisances, and preserve and enforce good government and order and security of the city and its inhabitants; and to enact and enforce ordinances on any and all subjects; provided that no ordinance shall be enacted inconsistent with the provisions of this Charter, or Constitution of the State of Texas; it

being the intention to obtain by the adoption of this Charter, full power of local self government, and the City of Lamesa shall have and exercise all the powers of local self government granted to cities having more than five thousand inhabitants by what is known as the Home Rule Amendment to the Constitution of the State of Texas, and to the Home Rule Enabling Act passed by the legislature of Texas, and now known as Chapter 13 of Title 22 of the Revised Civil Statutes of this state.

State constitution reference—Adoption or amendment of charter, Texas Constitution, art. 11, sec. 5.

State law reference—Chapter 13 of title 22 of the Revised Civil Statutes of Texas is now codified in ch. 51 of the Local Government Code. Ordinance, rule or regulation necessary to carry out other powers, V.T.C.A., Local Government Code, sec. 51.001.

Sec. 3. Style of ordinances.

The style of all ordinances of the City of Lamesa shall be: “Be it ordained by the City Council of the City of Lamesa,” but the same shall be omitted when the ordinances of the city are codified and published in book or pamphlet form by the City of Lamesa, or under the authority of its governing body.

Sec. 4. Real estate, etc., owned by the city.

All real estate owned in fee simple title, or held by lease, sufferance, easement or otherwise, all public buildings, fire stations, parks, airports, streets and alleys, and all property, whether real or personal, of whatever kind, character or description now owned or controlled by the City of Lamesa shall vest in, inure to, remain and be the property of said City of Lamesa under this Charter; and all causes of action, chooses in action, rights or privileges of every kind [kind] and character and all property of whatsoever character or description which may have been held and is now held, controlled or used by said City of Lamesa for public uses or in trust for the public, shall vest in and remain and inure to the City of Lamesa under this Charter, and all suits and pending actions to which the City of Lamesa heretofore was or now is a party, plaintiff or defendant, shall in no wise be affected or terminated by the adoption of this Charter, but shall continue unabated.

State law reference—Authority relating to property, V.T.C.A., Local Government Code, sec. 51.076.

Sec. 5. Acquisition of property.

The City of Lamesa shall have the power and authority to acquire by purchase, gift, devise, deed, condemnation or otherwise any character of property, within or without its municipal boundaries, including any charitable or trust funds.

State law reference—Authority to hold property, V.T.C.A., Local Government Code, sec. 51.076(a).

Sec. 6. Public property exempt from execution.

No public property or any other character of property owned or held by the City of Lamesa shall be subjected to an execution of any kind or nature.

State law reference—Authority to provide that municipal property not subject to execution, V.T.C.A., Local Government Code, sec. 51.076(b).

Sec. 7. City funds not subject to garnishment.

No funds of the City of Lamesa shall be subject to garnishment, and the City of Lamesa shall never be required to answer any garnishment proceeding.

State law reference—Authority to provide that municipal funds not subject to garnishment, V.T.C.A., Local Government Code, sec. 101.023.

Sec. 8. Liability for negligence.

(a) Notwithstanding anything to the contrary in this Charter, the City of Lamesa shall possess all rights of sovereign or governmental immunity except to the extent that such immunity is specifically waived by state law.

(b) As a condition precedent to any attempt to impose liability upon the City for personal injuries of any kind or for destruction or damage to property, the person injured or the owner of the property damaged or destroyed, shall within six months of the occurrence provide the City Council with notice of claim in accordance with the provisions of the Texas Tort Claims Act as it currently exists or may hereafter be amended.

State law references—Authority to adopt rules governing liability for damages, V.T.C.A., Local Government Code, sec. 51.077; Texas Tort Claims Act, V.T.C.A., Civil Practice and Remedies Code, ch. 101. Texas Tort Claims Act provides a limited waiver of governmental immunity and provides a six-month notice of claim requirement.

Note—Federal court decisions have held that anything less than a six-month claims period may be unconstitutional, see *Fitts v. City of Beaumont*, 688 S.W. 2nd 182 (Beaumont, 1985).

Sec. 9. City not required to give bond.

It shall not be necessary in any suit or proceeding in which the City of Lamesa is a party for any bond, undertaking or other security to be demanded or executed by or on behalf of the city in any of the State courts, but all such actions, suits, appeals or proceedings shall be conducted in the same manner as if such bond had been given, and the City of Lamesa shall be liable as if the security or bond had been duly executed.

State law reference—Cities exempt from security for court costs, V.T.C.A., Civil Practice and Remedies Code, sec. 6.002.

Sec. 10. Right of eminent domain.

The City of Lamesa shall have the right of eminent domain for public purposes whenever the governing authority shall deem it necessary; and to take any private property, within or without

the city limits, and to acquire lands, within or without the city, for any municipal purposes that may be authorized by law. The power herein granted for the purposes of acquiring private property shall include the power of improvement and enlargement of water works, including water supply, riparian rights, standpipes, water sheds, dams, the construction of supply reservoirs, wells, parks, squares, and pleasure grounds, airports, and for the purpose of strengthening or improving the channel of any stream, branch, draw or drain, or the strengthening or widening or extension of any street, alley, avenue, boulevard or other public highway. In all cases where the city seeks to exercise the power of eminent domain it shall be controlled as nearly as practicable by the laws governing the condemnation of property by railroad corporations in any such cases. The power of eminent domain hereby conferred shall include the right of the governing authority of the city, when so expressed, to take the fee in the land so condemned, and such power and authority shall include the right to condemn public property for such purposes.

State law references—Eminent domain, V.T.C.A., Property Code, ch. 21; municipal right of eminent domain, V.T.C.A., Local Government Code, ch. 251.

Sec. 11. Street powers.

The City of Lamesa shall have the power to lay out, establish, open, alter, widen, lower, extend, grade, abandon, and improve street[s], alleys, sidewalks, squares, parks, public places and bridges and regulate the use thereof and require the removal from streets, sidewalks, alleys and other public property or places all obstruction[s], telegraph, telephone, or other poles, carrying electric wires or signs, and all fruit stands, show cases and encroachments of every nature or character upon any of said streets and sidewalks, and to vacate and close private ways.

State law references—Authority of municipality over and under public highways, streets and alleys, V.T.C.A., Transportation Code, sec. 311.001; authority over sidewalks, V.T.C.A., Transportation Code, sec. 311.004.

Sec. 12. Street improvements.

Articles 1086 to 1105, both inclusive, and Article 1105b of the 1925 Revised Civil Statutes of Texas, as amended, are hereby adopted, and the City of Lamesa shall have the power to improve any street or highway within its limits by filling, grading, raising, paving or repaving the same in a permanent manner or by the construction, or reconstruction of sidewalks, curbs and gutters by necessary appurtenances thereto including sewers and drains. In the event there be any conflict between the method of improving streets, etc., as provided for by Article 1105b and the other articles of the statutes hereinabove referred to an [and] in the adoption of the Charter herein adopted, the conflicting methods of procedure shall be deemed optional methods, and the city council of the City of Lamesa may legally pursue either of said methods in making such improvements.

State law reference—Articles 1086 to 1105, both inclusive, and article 1105b of the 1925 Revised Civil Statutes of Texas, as amended, are now codified in the Transportation Code, chapters 312, 313 and 402.

Sec. 13. Regulation of vehicles.

The city council shall have the power by ordinance or otherwise to license, operate and control the operation of all character of vehicles using public streets, including motorcycles, bicycles, automobiles, trucks, trailers, buses, or like vehicles; and to prescribe the speed of the same, the qualification of the operators of the same, the routine of the same, and the lighting of same by night; and to provide for the giving of bond or other security for the operation of same.

State law references—Vehicles and traffic, V.T.C.A., Transportation Code, title 7; powers of local authorities regarding traffic and vehicles, V.T.C.A., Transportation Code, sec. 542.202.

Sec. 14. Railroads.

The city council shall have the power by ordinance or otherwise to direct and control, within the city limits, the speed of engines, locomotives and motor cars operating on railroad tracks, the construction of railroad tracks, turnouts and switches, and the regulation of the grade thereof and the use of streets.

Sec. 15. Regulation of public utilities.

(a) The city council shall have the power by ordinance to determine, fix and regulate the charges, fares, or rates of compensation to be charged by any person, firm or corporation enjoying a franchise in the City of Lamesa, and shall in determining, fixing and regulating such charges, fares or rates of compensation, base the same upon the fair value of the property of such person, firm or corporation devoted to furnishing service to such city or the inhabitants thereof. The city council may prescribe the character, quality and efficiency of service to be rendered and shall have the power to regulate and require the extension of lines or services of such public utility within such city by such person, firm or corporation, and from time to time may alter or change such rules, regulations and compensation, provided that, in adopting such regulations and in fixing or changing such compensation or determining the reasonableness thereof, no stock or bonds authorized or issued by any corporation enjoying such franchise shall be considered unless on proof that the same have been actually issued by the corporation for money paid and used for the development of the corporate property, labor done or property actually received, in accordance with the laws and Constitution of this state applicable thereto. In order to ascertain all facts necessary for a proper understanding of what is or should be a reasonable rate or regulation, the city council shall have full power to inspect the books of such franchise-holder and compel the attendance of witnesses for such purpose.

(b) Any company, corporation or person who may be engaged in furnishing to the inhabitants of the City of Lamesa any light, power or gas, or telephone service shall, on or before the first day of March of each year, file with the mayor of the City of Lamesa a sworn written report, including all the information set forth in Article 1121 of the 1925 Revised Civil Statutes of Texas, as amended, it being the intention of this section to require said company, corporation or person to file such reports pertaining to their operations insofar as same pertain to their operations within the city limits of the City of Lamesa.

State law reference—Municipal regulation of utility rates is subject to the provisions of the Public Utility Regulatory Act, V.T.C.A., Utilities Code, ch. 11 et seq.

Note—Article 1121 was repealed by Acts 1975, 64th Legislature.

Sec. 16. Public utilities [municipal].

The city shall have power to build, construct, purchase, own[,] lease, maintain and operate, within or without the city limits, light and power systems, water systems, sewer systems or sanitary disposal equipment and appliances, natural gas systems, parks and swimming pools, fertilizer plants, abattoirs, and any other public service or utility; power to mortgage and encumber such system or systems in the manner provided in Articles 1111 to 1118, inclusive, of the 1925 Revised Civil Statutes of Texas, as amended, and any other laws of the State of Texas applicable thereto; and all the powers which the city might exercise in connection with such public utilities and public services under Article 1175 of the 1925 Revised Civil Statutes of Texas, and any amendments thereto now or hereafter in effect, as well as under any other general laws of the State of Texas pertinent or applicable thereto, including the power to demand and receive compensation for service furnished for private purposes, or otherwise, and with full and complete power and right of eminent domain proper and necessary efficiently to carry out said objects.

State law reference—Municipal utilities, V.T.C.A., Local Government Code, sec. 402.001 et seq.

Sec. 17. Power to buy and sell gas, etc.

The city shall have power to purchase electricity, gas, oil, or any other article or service essential to a proper conduct of all the affairs of the city and of its inhabitants on such terms as the city council may deem proper, for sale and distribution to the inhabitants of the city and adjacent territory; provided that no contract of purchase binding the city shall be valid unless authorized by an election at which a majority of those voting shall favor the making of such contract.

State law reference—Municipal utilities, V.T.C.A., Local Government Code, sec. 402.001 et seq.

Sec. 18. Franchises.

(a) The right of control, easement, use and ownership and title to the streets, highways, public thoroughfares and property of the city, its avenues, parks, bridges and all other public places and property, are hereby declared to be inalienable except by ordinances duly passed by a majority of all members of the city council; and no grant of any franchise or lease, or right to use the same, either on, through, along, across, under or over the same, by any private corporation, association, or individual, shall be granted by the city council for a longer than one five year period unless submitted to the vote of the legally qualified voters of the city; provided, however, that when application is made for any grant or franchise, lease, right or privilege by any person or corporation, if applicant so requests, the council shall submit the same at an election called for said purpose, the expense of which shall be borne by the applicant, and, if a majority of the votes cast at said election shall be in favor of making the grant as applied for, said grant shall be made for a term of years as specified in the ordinance calling said election; provided, however, that no grant shall be made or authorized for a period longer than thirty years.

(b) The city council may of its own motion submit all such applicants to an election at which the people shall vote upon the propositions therein submitted, the expense of such election to be paid by the applicant.

(c) No franchise shall ever be granted until it has been approved by a majority vote of the city council after the caption has been read in full at two regular meetings of the City Council, nor shall any such franchise, grant or privilege ever be made unless it provides for adequate compensation or consideration therefor, to be paid to the city, and in addition to any other compensation grantee shall pay annually such fixed charge as may be prescribed in the franchise.

(d) Every such franchise or grant shall make adequate provision by way of forfeiture of the franchise, or otherwise, to secure efficiency of public service at reasonable rates and to maintain the property in good order throughout the life of the grant.

(e) The city council may prescribe the forms and methods of keeping accounts of any grantee, provided that the forms and methods are not already prescribed by any state or federal agency.

State law references—Franchise to use streets in municipality, V.T.C.A., Transportation Code, sec. 311.071 et seq.; authority to grant franchise to use or occupy public grounds, V.T.C.A., Local Government Code, sec. 282.003; municipal home-rule powers to regulate public utilities and franchises using streets, etc., V.A.C.S., art. 1175. Transportation Code section 311.071(b) provides that the authority to grant a franchise is the exclusive authority of the governing body. The courts have interpreted this to mean that provisions in a city charter making a vote to grant a franchise mandatory are in conflict with this statute. A franchise may be submitted to the voters for approval only upon petition as provided in Transportation Code section 311.073.

Note—State law does not require the ordinance be read in full at three regular meetings.

Sec. 19. Airports.

The city council shall have power to establish, maintain and operate an airport or airports, within or without the city limits, and landing fields, radio beams, beacons and other apparatus, buildings, equipment and appurtenances necessary or convenient therefor, and to make suitable charges for their use.

State law reference—County and municipal airports, V.T.C.A., Transportation Code, ch. 22.

Sec. 20. Parks, playgrounds, etc.

The City of Lamesa shall have exclusive control of all city parks and playgrounds, whether within or without the city limits, and to control, regulate and remove all obstructions and prevent all encroachments thereupon; to provide for raising, grading, filling, terracing, landscape gardening, erecting buildings, swimming pools and wading pools, and other structures, providing amusements therein, for establishing walks and paving driveways around, in and through said parks, playgrounds, and other public grounds, speedways or boulevards owned by it, and lying both outside and inside the municipal boundaries.

State law references—Authority to acquire and maintain parks, museums and historic sites, V.T.C.A., Local Government Code, ch. 331; sale of park land, V.T.C.A., Local Government Code, sec. 253.001.

Sec. 21. Underground construction.

The city council may require the placing of all wires or overhead construction of public utilities within the business area or fire limits of the city under the surface of the ground under such regulations as may be prescribed by the city council from time to time.

Sec. 22. Fires.

The city council shall have power by ordinance or otherwise to provide means for protection against conflagrations and for the establishment, maintenance, support and regulation of a fire department and for the guarding against fires. It may prescribe fire limits, stipulate and provide for minimum requirements for construction of buildings within such limits when the same have been damaged to within fifty per cent (50%) of the value thereof; and may declare all dilapidated buildings to be nuisances and direct the same to be repaired, removed or abated in such manner as the city council may prescribe; and may further prescribe limits within which only fireproof roofing may be used; it may also by ordinance regulate, prescribe, govern or forbid the storage of lumber, building material of any kind or inflammable or explosive goods, wares and merchandise of any and every kind within certain limits and prescribe limits within which such materials may be stored, housed or carried.

State law reference—Municipal fire protection, V.T.C.A., Local Government Code, ch. 342.

Sec. 23. Health.

The city council shall have the power to provide for a health department and to establish all necessary rules and regulations protecting the health of the city and for the establishment of quarantine stations, pest houses, emergency hospitals and hospitals, and to provide for the adoption of necessary quarantine laws to protect the inhabitants against contagious or infectious disease. Such general powers shall include, but not to the exclusion of other powers, the following powers:

(a) The city council shall have the power by ordinance or otherwise to regulate, license and inspect persons, firms, corporations, common carriers, or associations operating, managing, or conducting any hotel or any other public sleeping or eating place, or any place or vehicle where food or drink or containers therefor, of any kind is manufactured, prepared, stored, packed, served, sold or otherwise handled within the city limits of said city, or any manufacturer or vendor of candies or manufactured sweets; and shall have the power to prescribe health regulations with reference to any and all workers or employees hired or used in any of said places or vehicles, or about said places and vehicles, or who deliver products to and from said places and vehicles; and shall have the power to inspect, license and regulate the sanitary condition of said places and vehicles and to condemn all articles not wholesome or fit for human consumption.

(b) The city council of the City of Lamesa shall have the power to license barbers and beauticians and to prescribe health regulations with respect to their places of business, their persons and their workers and employees, and shall have the power to

prescribe health regulations with respect to porters, hotel maids and domestic servants.

(c) To define all nuisances and prohibit the same within the city and outside the city limits for a distance of 5,000 feet; to have power to police all parks or grounds, speedways, or boulevards owned by said city and lying both outside and inside said city; to prohibit the pollution of any stream, draw, drain or tributaries thereof, water deposit and reservoir, whether above or below the ground, which may constitute the source or storage of water supply, and to provide for policing the same, as well as to provide for the protection of any watersheds and the policing of same; to inspect, license and regulate dairies, slaughter pens and slaughterhouses inside or outside the limits of the city from which meat or milk is furnished to the inhabitants of the city; to require property owners to make connection to the sewer systems with their premises, and to provide for fixing a lien against the property owners who fail or refuse to make it a person [personal] liability.

(d) To provide for the fixing of penalties for failure of any person, firm, corporation or association to comply with any such rules and regulations so prescribed by the city council under the provisions of this section; it being the intention to vest in the city council not only the powers expressly enumerated in this section but all other powers reasonably necessary for the protection of the health of the City of Lamesa and its inhabitants.

State law references—The Public Health Reorganization Act of 1983 is contained in the Health and Safety Code. Sanitation and health standards, V.T.C.A., Health and Safety Code, ch. 341; local regulation of sanitation, V.T.C.A., Health and Safety Code, ch. 342.

Sec. 24. Police department.

The City of Lamesa shall have power by ordinance to establish and maintain a police department and to prescribe the duties of the members of said department, and regulate their conduct and fix their salaries or fees of office or both. The head of the police department of said city shall be known and designated as “chief of police,” and the other members thereof shall be known as “policemen.”

State law reference—Police force in home-rule municipality, V.T.C.A., Local Government Code, sec. 341.003.

Sec. 25. Power to compromise and settle claims and law suits.

The city council of the City of Lamesa shall have the power and authority to compromise and settle any and all claims and law suits of every kind and character in favor of or against the said city, including suits by said city to recover delinquent taxes.

Sec. 26. Contracts.

(a) No contract shall ever be made which binds the city to pay for personal services to be rendered for any stated period of time; but all contracts for personal services shall be restricted to

the doing of some particular act or thing, and upon its completion no further liability shall exist on the part of the city; with the exception of officers and heads of departments specifically mentioned herein.

(b) Nor shall the city or anyone acting for it make any contract for goods, materials, services or supplies for the current use of any department of the municipality for more than one year, except as in this Charter provided, until included in the budget and an appropriation has been made therefor, and no contract or purchase shall exceed the amount appropriated. All contracts, except for professional services, shall be made upon specifications, and no contract shall be binding until it has been signed by the mayor. Whenever the contracts charged to any appropriation equal the amount of the appropriation, the mayor shall sign no additional contract chargeable to such appropriation. Any contract for current expenditures exceeding the budget or the appropriation therefor shall be void.

(c) After approval of specifications by the mayor and city council, advertisement shall be published in the official newspaper, to be named by the city council, at least once in each week for two consecutive weeks, inviting competitive bids for labor and materials embraced in the proposed contract. All bids submitted shall be sealed and delivered to the city secretary. At the time announced in such notice the bids shall be opened in the presence of a majority of the city council, and no award shall be made except to one of such bidders. The council shall determine the most advantageous bid for the city and shall award the contract to such bidder, but the council shall always have the right to reject any and all bids, and in the event all bids are rejected, may call for new bids which shall be advertised in like manner as the original bids. Pending advertisement of such proposed contracts, the specifications shall be on file in the office of the city secretary, subject to the inspection of all persons desiring to bid. No contract shall ever be authorized except by approval of a majority of the city council; provided, however, that contracts for less than one thousand dollars may be awarded without advertisement and bid as herein required, if in the opinion of the city council such advertisement and bid should be waived.

State law reference—Purchasing and contracting authority of municipality, V.T.C.A., Local Government Code, chs. 252, 271. Chapter 252 of the Local Government Code now contains the basic municipal bidding statutes. Section 252.002 provides that the governing body of a municipality may elect to have the bid limits established by state law supersede the provisions of the charter. The city council elected to supersede the charter provision on January 17, 1994, in Resolution No. R-02-94.

Sec. 27. Zoning.

The city council shall have full power and authority to zone the city of Lamesa and to pass all necessary ordinances, rules and regulations governing the same under and by virtue of the authority given to cities and legislative bodies thereof by Sections “A” to “H” of Article 1011 of the 1925 Revised Civil Statutes of Texas, as amended, being Acts of 1927 40th Legislature, page 424, Chapter 283, and all amendments thereto and amendments which may hereafter be made thereto.

State law reference—Recodified as V.T.C.A., Local Government Code, ch. 211, Municipal Zoning Authority.

Sec. 28. Other enumerated powers.

In addition to the powers hereinbefore enumerated, the city council of the City of Lamesa shall have the power to license any lawful business, occupation or calling that is susceptible to the control of the police power; to license, regulate, control, or prohibit the erection of signs or billboards within the corporate limits of said city; to provide for a public library and the maintenance thereof; to provide for regulation and control of electricians, plumbers and gas fitters and electrical and plumbing works, and to require efficiency in the same; to provide for the inspection of weights, measures and meters, and to require conformity in such standards and to provide penalties for failure to use or conform to the same; and to provide for inspection fees; to provide for the issuance of permits for erecting all buildings; for the inspection of the construction of buildings in respect to proper wiring for electric lights and other electrical appliances, piping for gas, flues, chimneys, plumbing and sewer connections; and to enforce proper regulations in regard thereto; to require the construction of fire escapes for all public buildings, and to determine the sufficiency and regulate the safety of all exits and fire escapes provided for public buildings of every kind and character and to provide for the enforcement of all ordinances enacted by the city by a penalty as may be provided by the laws of the State of Texas to be assessed by home rule cities and provided that no ordinance shall prescribe a greater or less penalty than is prescribed for like offense by the laws of this state.

State law references—Authority to license lawful business or occupation subject to police power, V.T.C.A., Local Government Code, sec. 215.075; municipal regulation of housing and other structures, V.T.C.A., Local Government Code, ch. 214.

ARTICLE IV. OFFICERS AND ELECTIONS*

Sec. 1. Governing body.

The City Council shall be composed of seven (7) persons, six of whom shall be Council Members and one of whom shall be Mayor.

Note—The following terms of the settlement agreement entered in the United States District Court for the Northern District of Texas, Lubbock Division, resolving Civil Action Number CA 5-91-0153 modify the election structure for the offices of mayor and city council:

Governing body. The City Council of the City of Lamesa shall be composed of seven (7) persons, six of whom shall be Council Members and one whom shall be Mayor of the City of Lamesa. (Modifies provisions of City Charter art. IV, sec. 1)

Mayor, method of election. The Mayor shall be elected at large by majority vote of the qualified voters of the City of Lamesa. (Modifies provisions of City Charter art. IV, sec. 1)

Sec. 2. Elective officers.

The City shall be divided into six (6) single member electoral districts as established by ordinance. Resident voters of each single district shall be entitled to elect one (1) member of the City Council. A candidate for a single member district must be a resident of the City but need not be a resident of the single member district he or she seeks to represent at the time of seeking,

being elected or serving in such position. Council members who represent single member districts need not, during their term of office reside within the district for which they are elected, but must reside within the City. The Mayor shall be elected at large by majority vote of the qualified voters of the City.

State law reference—Age and residence requirements for home-rule city office, V.T.C.A., Election Code, sec. 141.003.

Note—The following terms of the settlement agreement entered in the United States District Court for the Northern District of Texas, Lubbock Division, resolving Civil Action Number CA 5-91-0153 modify the election structure for the offices of mayor and city council:

Elective offices; districts designated. The City of Lamesa shall be divided into six (6) single member electoral districts as set out and designated in the map which is attached as Exhibit A. The metes and bounds descriptions of these single member districts, as established by streets, roads, political subdivisions' boundaries and natural barriers, are as set out in Exhibit B which is attached hereto. (Modifies provisions of City Charter art. IV, secs. 2 and 4)

Council members, method of election. Resident voters of each single member district shall be entitled to elect one (1) member of the City Council. A candidate for a single member district must be a resident of the City of Lamesa, but need not be a resident of the single member district he or she seeks to represent at the time of seeking, being elected to, or serving in such position. Council members who represent single member districts need not, during their term of office reside within the district for which they are elected, but they must reside within the City of Lamesa, Texas. (Modifies provisions of City Charter art. IV, secs. 2 and 4)

Sec. 3. City councilmen; how to get name on ballot.

Any qualified resident of the City shall have the right to file an application in accordance with the Texas Election Code to have his name placed upon the ballot for election.

State law references—Eligibility for public office, V.T.C.A., Election Code, sec. 141.001 et seq.; candidates for city office, V.T.C.A., Election Code, ch. 143.

Note—Federal court decisions have ruled the property taxpayer provision unconstitutional.

[Sec. 4. Reserved.]

Editor's note—Section 4 was deleted at the election of November 6, 2007.

Note—The following terms of the settlement agreement entered in the United States District Court for the Northern District of Texas, Lubbock Division, resolving Civil Action Number CA 5-91-0153 modify the election structure for the offices of mayor and city council:

Elective offices; districts designated. The City of Lamesa shall be divided into six (6) single member electoral districts as set out and designated in the map which is attached as Exhibit A. The metes and bounds descriptions of these single member districts, as established by streets, roads, political subdivisions' boundaries and natural barriers, are as set out in Exhibit B which is attached hereto. (Modifies provisions of City Charter art. IV, secs. 2 and 4)

Council members, method of election. Resident voters of each single member district shall be entitled to elect one (1) member of the City Council. A candidate for a single member district must be a resident of the City of Lamesa, but need not be a resident of the single member district he or she seeks to represent at the time of seeking, being elected to, or serving in such position. Council members who represent single member districts need not, during their term of office reside within the district for which they are elected, but they must reside within the City of Lamesa, Texas. (Modifies provisions of City Charter art. IV, secs. 2 and 4)

Sec. 5. Candidates, how elected.

At each election for Mayor or a single member district position, the candidate receiving a majority of the votes cast for all candidates shall be declared elected. If no candidate receives a majority of the votes cast, then the two candidates receiving the largest number of votes shall run against each other in a runoff election as provided by the Texas Election Code.

State law references—Election by plurality, V.T.C.A., Election Code, sec. 2.001 et seq.; runoff election, V.T.C.A., Election Code, sec. 2.021 et seq.

Note—The following terms of the settlement agreement entered in the United States District Court for the Northern District of Texas, Lubbock Division, resolving Civil Action Number CA 5-91-0153 modify the election structure for the offices of mayor and city council:

Candidates, how elected. At each election for Mayor or a single member district position, the candidate receiving a majority of the votes cast for all candidates shall be declared elected. If no candidate receives a majority of the votes cast, then the two candidates receiving the largest number of votes shall run against each other in a runoff election. The runoff election shall be held on a Saturday, or another day chosen by the City Council pursuant to the Texas Election Code or the City Charter, within thirty (30) days of the first election. (Modifies provisions of City Charter art. IV, sec. 5)

Sec. 6. Judge of election.

The city council shall be the judge of the election and qualification of its own members and of the mayor, subject to review of the courts in case of contest. The city council shall, on the next regular meeting day of said council after each regular and special election, canvass the returns and declare the results of such election.

Sec. 7. Date of election.

Elections for Mayor and Council Members as applicable shall be held in May of each year or on a date chosen by the City Council pursuant to the Texas Election Code. All elections shall be conducted in accordance with the Texas Election Code and the Charter of the City.

State law references—Date for election of officers, V.T.C.A., Local Government Code, sec. 26.042; uniform election dates, V.T.C.A., Election Code, sec. 41.001. The first Saturday in May is the statutory date used for city elections.

Note—The following terms of the settlement agreement entered in the United States District Court for the Northern District of Texas, Lubbock Division, resolving Civil Action Number CA 5-91-0153 modify the election structure for the offices of mayor and city council:

Date of election. Elections for the Mayor and Council Members, as applicable, shall be held on the first Saturday in May, or on a date chosen by the City Council pursuant to the Texas Election Code. All elections shall be conducted in accordance with the Texas Election Code and the City Charter of the City of Lamesa, except when those laws or that Charter conflict with the terms of the above cited settlement agreement. When the terms of said settlement agreement conflict with the Texas Election Code or the City Charter, the terms of said settlement agreement shall prevail. (Modifies provisions of City Charter art. IV, sec. 7)

Sec. 8. Officers [oath and bond].

All officers of the city, whether elective or appointive, shall qualify by taking the oath prescribed by the Constitution of this state and by executing such bond as may be required under the provisions of this Charter and the ordinances and resolutions of the city.

State constitution reference—Oath of office, Texas Constitution, art. 16, sec. 1.

State law reference—Official bonds, V.T.C.A., Government Code, ch. 604.

Sec. 9. Term of office.

Each councilman shall serve for a term of three years and until his successor is elected and qualified, unless sooner removed from office as herein provided.

Except as provided below:

In the election to be held in the year 1972 the councilman for Place No. 1 will be elected for a two year term of office. In the election to be held in the year 1974 the councilman for Place No. 1 will be elected for a three year term of office and elections for Place No. 1 will be held every third year thereafter. In the election to be held in the year 1972 and every third year thereafter councilmen for places 2 and 3 will be elected for three year terms. In the election to be held in the year 1973 and every third year thereafter councilmen for places 4 and 5 will be elected for three year terms.

Note—The following terms of the settlement agreement entered in the United States District Court for the Northern District of Texas, Lubbock Division, resolving Civil Action Number CA 5-91-0153 modify the election structure for the offices of mayor and city council:

Term of office. Except as otherwise expressly herein stated, the basic term of office for the Mayor and each member of the City Council shall be three (3) years. (Modifies provisions of City Charter art. IV, sec. 9)

Sec. 9a. Providing for method of recall of councilmen.

(1) **Generally.** The city councilmen shall be subject to recall and removal from office by the qualified electors of the city, and the procedure to effect such removal shall be as set out in the following sections.

(2) **Petition to be filed; number of signatures required on petition.** A petition demanding that the question of removing such officer or officers be submitted to the electors shall be filed

with the city secretary. The question of recalling the Mayor or any member or members of said city council may be submitted at the same election, but as to each member whose removal is sought a separate petition shall be filed and there shall be an entirely separate ballot. A petition to remove a council member shall be signed by a number of qualified voters of the district from which the council member was elected at least equal to thirty per cent (30%) of the votes cast at the last regular district election but in no case to be signed by less than one hundred fifty (150) qualified voters of the district. A petition to remove the Mayor shall be signed by a number of qualified voters of the entire city equal to at least thirty (30%) of the votes cast at the last regular city election but in no case to be signed by less than five hundred qualified voters of the city.

(3) **Issuance of petition; elector's affidavit required.** Petition for such recall shall be procured only from the city secretary. Prior to the issuance of such petition, there shall be filed with the city secretary an affidavit by one or more qualified electors stating the name or names of the officers sought to be removed, and a statement of the grounds for removal. The city secretary shall record the number of such petition issued, the date of issuance thereof, and the affidavit required above. He shall certify under the seal of his office on such petition the name of the elector to whom issued and the date of its issuance, and no petition not properly issued and certified as herein required shall be considered in determining whether or not a recall election shall be held.

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

(5) **Recall of petition; notice to officer affected; ordering election.** The recall petition shall be returned and filed with the city secretary within thirty days after the issuance thereof. He shall immediately submit the same to the city council and shall notify the officer or officers sought to be recalled by such action. If the officer whose removal is sought does not resign within five (5) days after such notice is given, the city council shall thereupon order a recall election to be held not less than ten (10) nor more than twenty (20) days from the time of the expiration of five (5) days allowed the official affected to resign.

(6) **Ballots at election; effect of election.** The ballots at such recall election shall conform to the following requirements, with respect to each person whose removal is sought; the question shall be submitted: "Shall (name of person) be removed from the office of City Councilman?" Immediately following said question there shall be printed on the ballots in separate lines, in the order here set out, the words: "For the recall of (name of person)"; "Against the recall of (name of person)." Should a majority of the votes cast at such recall election be for the recall of any officer named on the ballot, he shall be deemed removed from office. If the majority of the votes be against the removal of any officer, he shall continue in office, not subject to recall until the expiration of at least twelve (12) months from the date of the unsuccessful recall election.

(7) **Failure of council to act.** In the case the city council shall fail or refuse to receive the recall petition, order the recall election, or discharge any and other duties with reference to such

recall, then the County Judge of Dawson County shall discharge any of such duties therein provided to be discharged by the city council.

(8) **Filling of vacancies created by recall.** If three or more members of the city council are sought to be recalled at one election, the names of candidates to fill the vacancies proposed to be created by the election shall appear on the ballot as provided for by Article IV Section 3, 4, and 5 of the Charter for a regular municipal election; except that each petition paper of candidate filing for office shall specify that the candidate is to succeed the particular member whose removal is sought. If less than three officers are sought to be removed at such recall election, such vacancies as result from the said election shall be filled by appointment by the remaining members of the city council.

(9) **Canvass of returns and declaration of result of election.** The returns of any recall election shall be canvassed and the results thereof declared by the members or member of the council not sought to be removed. If all are sought to be removed, the County Judge of Dawson County shall canvass the returns and declare the results.

State law reference—Exemptions from uniform election date requirement, V.T.C.A., Election Code, sec. 41.001(b).

Sec. 9b. Providing for initiative and referendum.

(1) **Power of initiative.** The electors shall have power to initiate any ordinance, except an ordinance appropriating money, levying a tax, granting a franchise, establishing salaries of city employees or city officials, or fixing public utility rates and to adopt or reject the same at the polls. Any initiated ordinance may be submitted to the council by a petition signed by qualified electors of the city equal in number to at least twenty (20) per cent of the number of votes cast at the time of the last general municipal election, or by two hundred and fifty (250) qualified electors, whichever is the greater.

(2) **Power of referendum.** The electors shall have power to approve or reject at the polls any ordinance passed by the council save one appropriating money, levying a tax, granting a franchise, establishing salaries of city employees or city officials, fixing public utility rates, or an ordinance submitted by the council of its own initiative to a vote of the electors. Ordinances submitted to the council shall be subject to the referendum in the same manner as other ordinances. Within forty (40) days after the enactment by the council of any ordinance which is subject to a referendum, a petition signed by qualified electors of the city equal in number to at least twenty (20) per cent of the number of votes cast at the last preceding general election or by two hundred and fifty (250) qualified electors, whichever is greater may be filed with the city secretary requesting that any such ordinance be either repealed or submitted to a vote of the electors.

(3) **Form of petitions for initiative or referendum.** All petition papers circulated for the purpose of an initiative or referendum shall be uniform in size and style. Initiative petition papers shall contain the full text of the proposed ordinance. The signatures to initiative or referendum petitions need not all be appended to one paper, but to each separate paper there shall be attached a sworn statement of the circulator that he personally circulated the foregoing paper, that all the signatures appended thereto were made in his presence, and that he believes them to be the

genuine signatures of the persons whose names they purport to be. Each signer of any such petition paper shall sign his name and his place of residence by street and number or other description sufficient to identify the place.

(4) **Filing, examination and certification of petitions for initiative or referendum.** All petition papers comprising a petition shall be assembled and filed with the city secretary as one instrument. Within ten (10) days after a petition is filed, the city secretary shall determine whether each paper of the petition has a proper statement of the circulator and whether the petition is signed by a sufficient number of qualified electors, and shall hold any petition paper entirely invalid which does not have attached thereto the sworn statement signed by the circulator thereof. The city secretary shall certify the result of his examination to the council at its next regular meeting. If he shall certify that the petition is insufficient, he shall set forth in his certificate the particulars in which it is defective and shall at once notify the person filing same of his findings.

(5) **Amendment of petitions.** An initiative or referendum petition may be amended at any time within twenty (20) days after the notification of insufficiency has been sent by the city secretary, by filing a supplementary petition on additional papers signed and filed as provided in case of an original petition. The city secretary shall, within ten (10) days after such an amendment is filed, examine the amended petition and, if the petition be still insufficient, he shall file his certificate to that effect in his office and notify the person filing of his findings, and no further action shall be had on such petition. The finding of the insufficiency of a petition shall not prevent the filing of a new petition for the same purpose.

(6) **Effect of certification of referendum petition.** When a referendum petition, or amended petition, has been certified as sufficient, the ordinance specified in the petition shall remain in effect until and unless repealed by the election.

(7) **Consideration by council.** Whenever the council receives a petition from the city secretary, it shall be immediately considered. 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 not later than sixty (60) days after the date on which such ordinance was submitted to the council by the city secretary. A referred ordinance shall be reconsidered, and the council shall, within thirty (30) days, vote upon the question, "Shall the ordinance be repealed"?

(8) **Submission of elector.** If the council shall fail to pass an ordinance proposed by initiative petition, or shall pass it in a form different from that set forth in the petition therefor, or if the council fail to repeal a referred ordinance, the proposed or referred ordinance shall be submitted to the electors at a special or regular municipal election not less than thirty (30) nor more than sixty (60) days from the date the council takes its final vote thereon.

(9) **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 by ballot title which contains a clear, concise statement, without argument, or [of] the substance of such ordinance. The ballot used shall have below the ballot title the following propositions, 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.

(10) **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.

(11) **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; provided, however, that no ordinance adopted at the polls under the initiative or referendum shall be amended or repealed by the council within six (6) months of adoption.

(12) **County judge may order election.** Should the city council fail or refuse to order any of the elections as provided for in this article, when all the requirements for such election have been complied with by the petitioning electors in conformity with this article of the charter, then it shall be the duty of the judge of the County Court of Dawson County, Texas upon proper application being made therefor, to order such elections and to enforce the carrying into effect of the provisions of this article of the charter.

State law reference—Restrictions on nonbinding referendums, V.T.C.A., Local Government Code, sec. 51.079.

Sec. 10. Vacancies.

Any vacancy occurring on the City Council through death, resignation or otherwise, shall be filled by a special election called by the remaining members of the City Council. Such special election to fill such vacancy shall be held on the next uniform election date provided by state law.

State law reference—Special election to fill vacancy generally, V.T.C.A., Election Code, sec. 201.051 et seq.

Note—The following terms of the settlement agreement entered in the United States District Court for the Northern District of Texas, Lubbock Division, resolving Civil Action Number CA 5-91-0153 modify the election structure for the offices of mayor and city council:

Vacancies. Any vacancy occurring on the City Council through death, resignation or otherwise, shall be filled by appointment made by resolution duly adopted by majority vote of the remaining members of the City Council. The person so appointed shall be a registered voter and a resident of the City of Lamesa at the time of his or her appointment. Such appointee shall serve for the balance of the term for which his predecessor was elected and until the next regularly scheduled election which would have been held for the position to which he or she was appointed if such vacancy had not occurred. (Modifies provisions of City Charter art. IV, sec. 10)

Sec. 11. Mayor pro-tem.

The mayor pro-tem shall be selected from among the members of the council and shall perform all the duties of the mayor in his absence or disability.

Sec. 12. Compensation of mayor and councilmen.

The mayor shall receive a salary monthly of \$25.00 per month and each of the councilmen will receive a salary of \$10.00 per month in compensation of their services in such official capacities.

Sec. 13. Duties of the mayor.

The mayor of the City of Lamesa shall preside over the meetings of the city council and perform such other duties consistent with the office as may be imposed upon him by this Charter and ordinances and resolutions passed in pursuance hereof. The Mayor or Mayor Pro-Tem in his absence shall have the right to vote in the transaction of all business. He shall sign all contracts and conveyances made or entered into by the city and all bonds issued under the provisions of this Charter, and shall be the chief executive officer of the city. He shall be recognized as the official head of the city by the courts for the purpose of serving civil process, by the governor for the purpose of enforcing military law, and for all ceremonial purposes. In times of danger or emergency, the mayor may with the consent of the city council take command of the police and govern the city by proclamation and maintain order and enforce all laws.

Note—The following terms of the settlement agreement entered in the United States District Court for the Northern District of Texas, Lubbock Division, resolving Civil Action Number CA 5-82-168 modify the legislative procedures and election structure for the offices of mayor and city council:

Legislative procedure. Any four (4) members of the City Council shall constitute a quorum for the transaction of business. The Mayor, or the Mayor Pro-Tem in his absence, shall have the right to vote in the transaction of all business. The affirmative vote of any four (4) members of the City Council shall be sufficient and necessary to adopt or repeal any ordinances or resolutions or pass any measure to take any action. (Modifies provisions of City Charter art. IV, sec. 13)

Sec. 14. Duties of the city council.

(a) The city council shall have all powers necessary and incident to the proper discharge of the duties imposed upon it and is hereby invested with all power necessary to carry out the terms and provisions of this Charter; it being intended that the city council and mayor shall have and exercise all powers enumerated in this Charter or implied thereby and all powers that are or hereafter may be granted to municipalities by the Constitution or laws of the State of Texas.

(b) The compensation of all appointive officers and employees shall be fixed by the city council, who may increase or diminish such compensation at will or abolish any appointive office entirely at any time. The city council may dispense with the services of any employee at any time upon a majority vote of the members present at a meeting of the city council.

State law reference—Compensation of officers in home-rule municipality, V.T.C.A., Local Government Code, sec. 141.004.

Sec. 15. Meetings of the city council.

The City Council shall hold at least one regular meeting in each month at a time to be fixed by it for such regular meeting, and may hold as many additional meetings during the month as may be necessary for the transaction of the business of the city and its citizens. The Mayor or any four (4) members of the City Council may call the Council together for a special meeting.

State law reference—Open meetings, V.T.C.A., Government Code, ch. 551.

Note—The following terms of the settlement agreement entered in the United States District Court for the Northern District of Texas, Lubbock Division, resolving Civil Action Number CA 5-82-168 modify the legislative procedures and election structure for the offices of mayor and city council:

Special meetings, how called. The Mayor or any four (4) members of the City Council may call the Council together for a special meeting. (Modifies provisions of City Charter art. IV, sec. 15)

Sec. 16. Rules of the city council.

The city council shall determine its own rules of procedure and may compel the attendance of its members.

Sec. 17. Legislative procedure.

Any four members of the City Council shall constitute a quorum for the transaction of business. The affirmative vote of any four (4) members of the City Council shall be sufficient and necessary to adopt or repeal an ordinance or resolution or pass any measure to take any action. All meetings of the city council shall be public, except when otherwise directed by the city council, and minutes of all proceedings shall be kept, to which any citizen may have access at all reasonable times and which shall constitute one of the archives of the city. The vote upon the passage of all ordinances and resolutions shall be taken by the “ayes” and “nays” and entered upon the minutes, and every ordinance or resolution, upon its final passage, shall be recorded in a book kept for that purpose and shall be authenticated by the signature of the presiding officer and the person performing the duties of city secretary.

State law reference—Open meetings, V.T.C.A., Government Code, ch. 551.

Note—The following terms of the settlement agreement entered in the United States District Court for the Northern District of Texas, Lubbock Division, resolving Civil Action Number CA 5-82-168 modify the legislative procedures and election structure for the offices of mayor and city council:

Legislative procedure. Any four (4) members of the City Council shall constitute a quorum for the transaction of business. The Mayor, or the Mayor Pro-Tem in his absence, shall have the right to vote in the transaction of all business. The affirmative vote of any four (4) members of the City Council shall be sufficient and necessary to adopt or repeal any ordinances or resolutions or pass any measure to take any action. (Modifies provisions of City Charter art. IV, sec. 17)

Sec. 18. Ordinances, enactment of.

Each proposed ordinance or resolution shall be introduced in writing or printed form and shall not contain more than one subject which shall be clearly expressed in the title, except ordinances or resolutions making appropriations or authorizing the contracting of indebtedness or issuance of bonds or other evidence of indebtedness. No ordinance, unless it be declared an emergency measure, shall be passed finally on the date it is introduced, but must be passed, read and voted upon at two regular meetings of the city council.

State law reference—Ordinance, rule or regulation necessary to carry out other powers, V.T.C.A., Local Government Code, sec. 51.001.

Sec. 19. Emergency measures defined.

An emergency measure is an ordinance or resolution for the immediate preservation of the public business, property, health or safety, or providing for the usual daily operation of a municipal department, in which the emergency is set forth in such ordinance or resolution. Ordinances or resolutions appropriating money to defray current or other expenses of the city may be passed as emergency measures, but no ordinance or resolution making a grant, renewal or extension of a franchise or other special privilege or regulating the rate or rates to be charged for service furnished the public generally by any public utility shall ever be passed as an emergency measure.

Sec. 20 Ordinances now in effect.

All ordinances of the City of Lamesa now in existence and not inconsistent with the provisions of this Charter shall remain in full force and effect until altered, amended or repealed by the city council.

Sec. 21. Ordinances, pleading of, and admissibility as evidence.

It shall be sufficient in all judicial proceedings to plead any ordinance of the city by caption without embodying the entire ordinance in the pleadings, and all pleaded ordinances or codes of ordinances shall be admitted in evidence in any suit and shall have the same force and effect as the original ordinance. Certified copies of the ordinances may also be used in evidence in lieu of original ordinances.

State law reference—Judicial notice of city ordinances, Texas Rules of Evidence, rule 204.

Sec. 22. Depository.

The city council is authorized to select a depository for city funds in accordance with Chapter 3 of Title 47 of the Revised Statutes of 1925, as amended, and to follow all the terms and provisions of same.

State law reference—Depositories for municipal funds, V.T.C.A., Local Government Code, ch. 105.

Sec. 23. Codification of ordinances.

The city council or city manager shall, as soon as practical after the adoption of this Charter, cause to be codified and properly entered and published in pamphlet form for public distribution or for anyone desiring same, the ordinances of the City of Lamesa, and they shall annually thereafter revise same and keep it up to date.

State law reference—Code of ordinances, V.T.C.A., Local Government Code, ch. 53.

Sec. 24. Ordinances, publication of.

Every ordinance imposing any penalty, fine, imprisonment or forfeiture shall, after passage thereof, be published in one issue of the official paper; and proof of such publication shall be made by the printer or publisher of such paper, making affidavit before some officer authorized by law to administer oaths, and filed with the person performing the duties of city secretary, and shall be prima facie evidence of such publication and promulgation of such ordinance so published shall take effect and be in force from and after five days after publication thereof, unless otherwise expressly provided. Ordinances not required to be published shall take effect and be in force from and after the passage thereof, unless otherwise provided.

State law reference—Publication of ordinances, V.T.C.A., Local Government Code, sec. 52.013.

Sec. 25. City secretary.

The city council shall appoint a city secretary. He shall be a qualified voter residing in the city for at least one year preceding his appointment. He shall receive for his services such compensation as the city council may fix. Unless excused by the city council for good cause, he shall attend all meetings of the city council and keep accurate minutes of its proceedings; he shall preserve and keep in order all books, papers, documents, records and files of the city council and of the executive departments. He shall keep a record of all commissions and licenses issued and shall countersign the same. He shall have custody of the seal of the city and shall affix same to such documents and obligations of the city only as he may be legally authorized so to do.

State law reference—Creation of municipal offices, V.T.C.A., Local Government Code, sec. 26.041.

Sec. 26. Corporation court.

(a) There shall be established and maintained a court designated as a “Corporation Court” for the [city] and duties as are now or may hereafter be permitted by the laws of the State of Texas to corporation or recorder’s courts.

(b) The judge of said court shall be a qualified voter of the city, shall be appointed by the city council, shall hold his office at the pleasure of the city council, and shall receive such salary or fees of office, or both as may be fixed by ordinances of the city council.

(c) The city secretary or his deputy shall be ex-officio clerk of said court and shall receive such salary or fees of office or both as may be fixed by ordinance.

(d) The clerk of said court and his deputies shall have the power to administer oaths and affidavits, make certificates, affix the seal of said court thereto, generally do and perform any and all acts usual and necessary by clerks of courts in issuing processes of said courts and conducting the business thereof.

(e) In case of disability or absence of the judge of the corporation court, the mayor, or, in the absence or disability of the mayor, the mayor pro-tem, shall act as judge of said court, provided the city council may designate the mayor to act as judge of said court.

State law references—Municipal courts generally, V.T.C.A., Government Code, sec. 29.001 et seq.; municipal court judges, V.T.C.A., Government Code, sec. 29.004; term of municipal court judge, V.T.C.A., Government Code, sec. 29.005; municipal court clerk generally, V.T.C.A., Government Code, sec. 29.010.

Sec. 27. Nepotism.

No person related, within the second degree by affinity or within the third degree of consanguinity, to the mayor or any member of the city council shall be appointed to any office, position or clerkship or other service of the city.

(a) The members of all boards created by this Charter or by the City Council shall be appointed by the City Council.

State law reference—Nepotism, V.T.C.A., Government Code, ch. 573.

Sec. 28. Official bond for appointive officers.

The city council of the City of Lamesa shall have the right to require official bond from all appointive officers or employees of the city in such amounts as said city council may from time to time fix by ordinance or resolution and conditioned by the faithful discharge of the duties of his office and accounting for all moneys, credits and things of value coming into the hands of such officers or employees; and all such bonds shall be signed as surety by some surety company authorized to do business under the laws of this state, and the premiums securing thereon shall be paid by the City of Lamesa.

State law reference—Official bonds, V.T.C.A., Government Code, ch. 604.

Sec. 29. Audit and examination of the city books and accounts.

The city council shall cause a continuous audit to be made of the books of accounts of each and every department of the city. Such audit shall be made by a competent public accountant who shall be selected by the city council, and a contract entered into from year to year; and such contract shall provide that the books of the city shall be audited at least annually, and such auditor's report to the city council shall be accessible to the public or for publication.

State law reference—Audit of municipal finances, V.T.C.A., Local Government Code, ch. 103.

Sec. 30. Budget; issuance and signing of checks.

The city council shall on the first day of January of each year or as soon thereafter as practicable prepare a budget to cover all proposed expenditures of the city for the succeeding year. Such budget shall be prepared in conformity with the provisions of sections 13 to 16, inclusive, of Article 689a of the 1925 Revised Civil Statutes of Texas, together with any amendments thereto hereafter enacted, said sections of said article being sections 13, to 16, inclusive, of Acts of 1931 42nd Legislature, Page 339, Chapter 206. No public money shall ever be spent or appropriated, except in case of public calamity, unless funds are currently in the possession of the city to cover said expenditures or appropriation. No expenditure shall ever be made by the city except upon checks drawn upon the account for which a previous appropriation shall have been made, signed by the city treasurer, and countersigned by the city manager or mayor.

State law reference—Municipal budget, V.T.C.A., Local Government Code, ch. 102.

Sec. 31. State of Emergency.

(a) A state of emergency shall be deemed to exist during periods of impending or actual public crisis or disaster. A state of emergency may be declared by vote of the City Council, or by order of the Mayor, or, in his absence or disability, the Mayor Pro Tempore, if a meeting of the City Council cannot be called within the time available, whenever conditions threaten to render inadequate the normal procedures of the City for the protection of persons or property. During a state of emergency, the Mayor, or, in his absence or disability, the Mayor Pro Tempore shall have the powers which would be vested in the Council by state law to the extent necessary for the protection of persons or property.

(b) The emergency powers herein provided shall be exercised only to the extent made necessary by the nature of the emergency and during the continuation of the state of emergency.

(c) The Mayor or person authorized by the Charter to carry out the duties of the Mayor, or the Council by majority vote shall be authorized to declare the emergency terminated.

ARTICLE V. TAXES AND TAXATION*

Sec. 1. Taxation.

All real, personal and mixed property held, owned or situated in the City of Lamesa, which is not exempt by the Constitution or general laws of the State of Texas, shall be liable for all taxes due by the owner thereof, including taxes on real estate, franchise[s], personal and mixed property, except that the homestead of any person within the City of Lamesa shall never be liable for any taxes other than the tax upon such homestead.

State law references—Property taxes, V.T.C.A., Tax Code, sec. 1.01 et seq.; authority of municipality to impose property taxes, V.T.C.A., Tax Code, sec. 302.001.

Sec. 2. Tax levies.

(a) The city council shall have the power and it is hereby authorized and made its duty to levy annually for general purposes and for the purpose of paying interest and providing the sinking

fund on the bonded indebtedness of the City of Lamesa now in existence or which may hereafter be created an ad valorem tax on all real, personal or mixed property within the territorial limits of said city and upon all franchises granted by the city to any individuals or corporations of not exceeding a total of one dollar and fifty cents (\$1.50) on the one hundred dollars (\$100.00) appraised valuation of said property. If for any cause the city council shall fail, neglect or refuse to pass a tax ordinance for any one year, levying ordinance last passed shall and will be considered in force and effect as the tax levying ordinance for the year for which the city council failed, neglected or refused to pass such ordinance, and the failure so to pass such ordinance for any year shall in no wise invalidate the tax collections for that year.

(b) The city council may determine and provide when taxes shall be due and payable by corporations or individual corporations and all persons owning property. It shall have the right to fix the time and terms of payments of taxes, prescribe penalties for the nonpayment thereof upon the expiration of the time fixed by the said council, [and] may provide discounts for advance payments of taxes.

(c) The city council or any other officer of the city shall never extend the time for the payment of taxes or remit, discount or compromise any tax legally due the city, nor waive the penalty that may be due thereon to any person, but the city council may be [by] ordinance provide for the remission, discount, compromise or waiver of penalty to all persons legally owing any taxes where such remission, discount, compromise or waiver of penalty is for any particular and specified year or years and applies equally to all persons, firms or corporations owing taxes to the city for such year or years; provided however, that this provision shall not prevent the compromise of any tax suit.

State law reference—Levy of tax rate, V.T.C.A., Tax Code, ch. 26.

Sec. 3. Liens.

The tax levied by the city is hereby declared to be a lien, charge or encumbrance upon the property upon which the tax is due, which lien, charge or encumbrance the city is entitled to enforce and foreclose in any court having jurisdiction over the same, and the lien, charge and encumbrance on the property in favor of the city for the amount of the taxes due on such property is such as to give the state courts jurisdiction to enforce and foreclose said lien on the property on which the tax is due, not only as against any resident of this state or person whose residence is unknown, but also as against the unknown, [sic] but also as against the unknown heirs of any person who owns the property upon which the tax is due and also as against nonresidents. All taxes upon real estate shall especially be a lien and a charge upon the property upon which the taxes are due, which lien may be foreclosed in any court having jurisdiction.

State law reference—Tax liens and personal liability, V.T.C.A., Tax Code, ch. 32.

Sec. 4. Rendition.

(a) It shall be the duty of every person owning or holding property within the City of Lamesa to render under oath to the assessor of taxes or such other person as may be provided for by ordinance at his office in said city annually within the time prescribed by ordinance of said city a

full and complete inventory of all property so owned or held by him, whether real, personal or mixed, and to take and subscribe to an oath to the correctness of such inventory, which oath may be administered by the assessor or such other officer as aforesaid, acting in person or by deputy.

(b) The definitions of property and terms as defined by the general laws of the state under the head of taxation shall apply to the taxation of property in this city.

State law reference—Renditions and other reports, V.T.C.A., Tax Code, ch. 22.

Sec. 5. Unrendered property.

The city council shall provide by ordinance for the listing and valuation of all property, real, personal and mixed, situated, owned or held within the city limits of Lamesa and which has not been rendered by the owner thereof each year upon a date to be specified by the city council by ordinance, by the assessor or other officer designated for that purpose, which list of property so unrendered and assessed shall be placed upon the tax rolls of the City of Lamesa and submitted along with the rendered roll to the board of equalization and be subject to the same tax levy as the rendered property within said city.

Sec. 6. Collection of taxes.

(a) The city council shall have full power, by ordinance, to provide for the prompt collection of all taxes levied, assessed and due or becoming due to said city and prescribe where property shall be assessed or rendered for taxes and when the taxes thereon shall become due and payable and to that end may and shall pass all ordinances and make all such provisions as may be necessary for levying, imposing, assessing and collecting said taxes, regulating the methods of making out tax lists and inventories, and fixing the duties and defining the powers of the assessor and collector of taxes or such other officer as may be designated therefor by the city council.

(b) All taxes shall be payable at the office of the assessor and collector or such other officer as the city council may prescribe, and no demand for payment thereof shall be requisite or necessary to enforcement of the collection thereof, nor for the collection of any taxes due before the passage of this article.

(c) All property which the owner thereof may have failed or refused to inventory, assess or render for taxation for years prior to the passage of this act, shall be by the officer designated by the city council inventoried, assessed and rendered for taxes for the year of years for which the same was not so rendered, inventoried and assessed by the owner thereof, and such officer designated by the city council shall have the right and it shall be his duty at any time to revise, correct and reassess and properly describe and property incorrectly rendered or assessed or improperly described, without the necessity of giving notice to the owner thereof; provided, however, that the valuation as fixed by the board of equalization shall not be changed, and such inventory and assessment when revised and worked over shall be as valid and effective as if on such assessment sheets and tax rolls and as if regularly and duly rendered and assessed and inventoried, as above provided for, by the officer of the City of Lamesa designated by the city council, and said tax rolls and assessment sheets shall be prima facie evidence that said property

was regularly and duly rendered, inventoried, assessed and properly described in all respects as if done duly and regularly by the owner in the first instance.

State law reference—Collection of taxes, V.T.C.A., Tax Code, ch. 31.

Sec. 7. Payment of taxes.

All ad valorem taxes due or to become due upon real, personal or mixed property or upon franchises granted by the City of Lamesa to individuals or corporations and all license taxes, occupation taxes, permit fees, fines, forfeitures, penalties and other amounts of taxes accruing to the City of Lamesa shall be collectible and payable only in current money of the United States.

State law reference—Medium of payment of taxes, V.T.C.A., Tax Code, sec. 31.06.

Sec. 8. Delinquent taxes.

(a) All ad valorem taxes due or to become due to the City of Lamesa that are not paid within the time specified by the city council in the ordinance providing the date of payment of said taxes shall be declared delinquent and shall be subject to the penalties prescribed by ordinance from time to time and may be collected by suits from delinquents, and foreclosure of the lien thereon may be had in any court having jurisdiction of the same, and any person who shall purchase or shall have purchased property encumbered by a lien for taxes or upon which taxes are due shall be deemed as to such taxes a delinquent taxpayer, and such purchaser take the property charged with lien, and he cannot interpose any defense which the person or corporation owning the property at the time of the assessment of said taxes so delinquent might not have interposed had he or it continued to be the owner, except that no personal judgment shall be rendered for same against said purchaser.

(b) All suits for delinquent taxes to the City of Lamesa shall be brought in the District Court of Dawson County, Texas, in accordance with the general laws of the State of Texas relative to the collection of delinquent state and county ad valorem taxes.

State law reference—Tax delinquency, V.T.C.A., Tax Code, ch. 33.

Sec. 9. Board of equalization.

(a) There shall be a board of equalization in said city which shall be composed of three qualified taxpaying and property-owning citizens of the City of Lamesa, appointed by the council, whose powers and duties shall be the same as is given to the county commissioners in the equalization of property values for the state and county commissioners in the equalization of property values for the state and county taxation purposes.

(b) Said board, constituted as herein provided, shall continue for a period of one year and shall be a standing committee to which all matters relative to valuation and rendition shall be referred; the members of said board shall receive such compensation as may be provided for by ordinance of the city council.

(c) Said board shall meet at the city hall, or such other place as may be designated in its order of appointment by the city council within ten days after being notified by the assessor of taxes that the assessment rolls of the City of Lamesa are completed and ready for its inspection, and it shall complete its work as expeditiously as possible and in no event delay the completion thereof more than sixty (60) days from its first meeting, and it shall file its final report with the mayor and city council not later than fifteen (15) days after the completion of its work.

(d) In case of dissatisfaction with the final decision of said board of equalization by any taxpayer, an appeal from such decision may be made by such taxpayer to the city council, provided such appeal is made within five (5) days after the tax rolls have been certified by the board of equalization to the council, by written petition specifically stating the part or parts of the valuation complained of. The city council shall dispose of all of such appeals within thirty days after the tax rolls of the city have been certified by the board of equalization. Any taxpayer being dissatisfied with the decision of the city council, upon appeal, shall have the right to contest any such decision in any court of competent jurisdiction, but as a condition precedent to the exercise of such rights of review or appeal to the courts, any such taxpayer shall be required to give notice to the city council of his intention to file suit by filing with the city secretary an exact copy of his petition within thirty days after the final decision of the city council and any such taxpayer shall be required, as a further condition precedent, to pay said taxes assessed by the city and certified to by the board of equalization for the then current taxable year, and any subsequent years preceding final determination under protest, and, in the event of a final determination that the city council was in error in refusing the taxpayer relief, in such event the City of Lamesa shall be obligated to return to the taxpayer that part of the taxes which are held to be erroneously assessed and collected.

State law reference—V.T.C.A., Tax Code, ch. 6, provides for the replacement of the board of equalization by appraisal districts.

Sec. 10. Occupation tax.

The city council shall have the power to levy and collect taxes upon trades, professions, callings or other businesses carried on to the full extent permitted by the general laws of the State of Texas, to prescribe penalties for nonpayment thereof, and to regulate the operation of any business, trade or calling or profession.

State law reference—Occupation taxes, V.T.C.A., Tax Code, sec. 302.101.

Sec. 11. Contract for collection of delinquent taxes.

The city council shall have the power to contract with any attorney-at-law for the collection of delinquent taxes owing the city.

State law references—Contract with attorney for collection of taxes, V.T.C.A., Tax Code, sec. 6.30; interlocal contracts for collection of taxes, V.T.C.A., Tax Code, sec. 6.24.

ARTICLE VI. BONDS, WARRANTS, ETC.*

Sec. 1. Bonds.

The City shall have the right and power to borrow money upon the credit of the City and to issue coupon bonds of the City therefor, in such sum or sums as may be deemed expedient. All bonds shall specify for what purpose they are issued and shall be invalid if sold by the City for less than their par value, and when any bonds are issued by the City a fund shall be provided to pay the interest and create a sinking fund to redeem said bonds, which fund shall not be diverted or drawn upon for any other purpose, and the person acting as City Treasurer shall honor no drafts upon said fund except to pay interest upon or redeem the bonds for which it was provided. Said bonds shall be issued for a period of time not to exceed forty (40) years; shall be signed by the Mayor, countersigned by the person acting in the capacity of City Secretary and both principal and interest shall be payable at such places and times as may be fixed by the ordinance of the governing authority. All such bonds shall be submitted to the Attorney General of the State for his approval, and the Comptroller for registration, as provided by State Law; provided, that any such bonds, after approval, may be issued by the City either optionally or serially, or otherwise, as may be deemed advisable by the governing authorities.

State law reference—Public Security Procedures Act, V.T.C.A., Government Code, ch. 1201.

Note—Federal court decisions have ruled the property taxpayer provision unconstitutional.

Sec. 2. Warrants.

No warrant bearing interest payable in other than the fiscal year in which such warrant is issued shall ever be authorized or by ordinance issued by the city council. This provision, however, shall not prevent the city council from issuing interest-bearing anticipation warrants, payable from the reasonably anticipated collections for the current year of such city where such warrants do not bear in excess of six per cent (6%) interest and the funds are needed and necessary in the opinion of the city council to meet the current expenses of the city for the current fiscal year.

State law reference—Warrants, V.T.C.A., Local Government Code, ch. 252.

ARTICLE VII. CITY MANAGER[†]

Sec. 1. Appointment; qualifications; to be administrative head of government.

The council shall appoint a city manager who shall have been a resident of the State of Texas for at least twelve months next preceding the date of his appointment, and who shall be the administrative head of the municipal government, and shall be responsible for the efficient administration of all departments. Except for the purpose of inquiry or investigation, the City Council and its members shall deal with the administrative departments and personnel solely through the City Manager, and no member of the Council shall give orders to any subordinate of the City Manager, either publicly or privately.

State law reference—Authority to create offices, determine method of selection of officers and prescribe qualifications for officers, V.T.C.A., Local Government Code, sec. 26.041.

Sec. 2. Compensation.

The city manager shall receive a salary as set by the city council.

Sec. 3. Powers and duties of city manager.

The city manager shall see that the laws and ordinances of the city are enforced. He shall appoint all appointive officers or employees of the city with the advice and consent of the council (such appointments to be made upon merit and fitness alone), and may at will remove any officers or employees appointed by him. He shall exercise control and supervision over all departments and offices that may be created by the council, and all officers and employees appointed by him. He shall attend all meetings of the council with the right to take part in the discussion, but having no vote. He shall recommend in writing to the council such measures as he may deem necessary or expedient. He shall keep the council fully advised as to the financial condition and needs of the city, and perform such other duties as may be prescribed by this Charter or which may be required of him by ordinance or resolution of the council.

State law reference—Authority to prescribe duties for officers, V.T.C.A., Local Government Code, sec. 26.041.

Sec. 4. Nepotism.

No person related within the second degree by affinity or within the third degree by consanguinity to the city manager shall be appointed to any official position, clerkship or service of the city.

State law reference—Nepotism, V.T.C.A., Government Code, ch. 573.

Sec. 5. Official bond.

The city manager shall give an official bond in the sum of fifteen thousand (\$15,000) dollars, payable to the City of Lamesa, conditioned as may be prescribed by resolutions or ordinances of the council. Such bond shall be procured from some regularly accredited surety company, authorized to do business under the laws of the State of Texas, and the premiums to such surety company shall be paid by the City of Lamesa.

State law reference—Official bonds, V.T.C.A., Government Code, ch. 604.

ARTICLE VIII. GENERAL PROVISIONS

Sec. 1. Qualified voter [Defined].

Editor's note—Section 1 was deleted at the election of November 6, 2007.

Sec. 2. Inhabitants, freeholder or taxpayer not incompetent to serve as judge[,] justice, witness or juror.

In any action or proceeding in which the City of Lamesa may be party at interest, no person shall be incompetent judge, justice, witness or juror by reason of his being an inhabitant, freeholder or taxpayer of the City of Lamesa.

Sec. 3. Public act.

This Charter must be deemed a public act and judicial notice shall be taken thereof in all courts.

Sec. 4. Amendments.

This Charter may be amended at any time in accordance with the provisions applicable thereto contained in Chapter 13 of Title 28 of the Revised Civil Statutes of 1925 of the State of Texas or any amendments thereto or any amendments that may be made hereafter thereto.

State law reference—Adoption or amendment of charter, V.T.C.A., Local Government Code, sec. 9.001 et seq.

Sec. 5. Effect of any provision hereof being declared invalid.

If any provision of this Charter violates any statutes or the Constitution of the State of Texas, or if any court holds such provision for naught for any reason, the remaining provisions shall [not] be affected thereby and shall continue in effect.

Sec. 6. Renumbering and References In City Charter

The City Council shall have the power by ordinance, to renumber and rearrange all articles, sections and paragraphs of this Charter or any amendments thereto and to correct incorrect or obsolete references to state or federal law provided such amendments shall not constitute substantive changes to the meaning or intent of this Charter. Upon passage of such an ordinance, a copy thereof, certified by the City Secretary shall be forwarded to the Secretary of State for filing[.]

ARTICLE IX. CHARTER ELECTION AND RECORD

Sec. 1. Vote on proposed charter.

This Charter shall be submitted to the qualified voters of the City of Lamesa for adoption or rejection on May 1st, 1945, at which election [Article VIII](#) of this Charter shall be voted on separately, it being impracticable to further subdivide this Charter into sections.

Sec. 2. Form of ballot.

It is hereby prescribed that form of ballot for use in such election shall be as follows, to wit:

FOR THE ADOPTION OF _____ OF THE CHARTER, (GENERAL CHARTER).

AGAINST THE ADOPTION OF _____ OF THE CHARTER, (GENERAL CHARTER).

FOR THE ADOPTION OF _____ OF THE CHARTER, (CITY DEVELOPMENT FEATURE).

AGAINST THE ADOPTION OF _____ OF THE CHARTER, (CITY DEVELOPMENT FEATURE).

Sec. 3. Election.

The present city council of the City of Lamesa shall call such election, and the same shall be conducted, and the returns made and result declared as provided by the laws of the State of Texas governing municipal elections, and in case a majority of the votes cast at such election shall be in favor of the adoption of this Charter, then an official order shall be entered upon the records of said city by the city council of the City of Lamesa, declaring the same adopted, as well as declaring _____ adopted, in case _____ of said articles shall receive a majority in favor of the adoption thereof at such election.

Sec. 4. Record of charter.

The city secretary shall record, at length, upon the records of the city, in a separate permanently bound book to be kept in his office for such purpose, _____ as may be adopted at such election, and such secretary shall furnish to the mayor a copy of such Charter as adopted, authenticated by his signature and the seal of the city, which copy of the Charter shall be forwarded by the mayor of the City of Lamesa, to the secretary of state and shall show the approval of such Charter by a majority vote of the qualified voters of the City of Lamesa.