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## **Article I. INCORPORATION AND POWERS**

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### **Section 1.1 CONTINUING CORPORATE EXISTENCE.**

The City of El Paso shall continue as a body politic, exercising all powers of local self-government which are or come to be conferred upon constitutional home rule cities in the State of Texas, and will exercise these powers as a municipal corporation, subject to the Constitution and the laws of the State of Texas. Specific mention of particular powers shall not be construed as limiting in any way the general powers granted to the City by this Charter. The corporate limits shall be those which are or may be established lawfully.

### **Section 1.2 DEFINITIONS.**

As used in this Charter, the term "laws of Texas" shall include the Constitution and statutes of the State of Texas, the common law as it exists in the State of Texas, and appropriate case law. As used herein, "State" shall mean the State of Texas; "City" shall mean the City of El Paso; "Council" shall mean the Mayor and Representatives of the City of El Paso; and "department" shall mean any City agency, office, bureau or other organizational unit.

### **Section 1.3 INTERGOVERNMENTAL RELATIONS.**

Nothing in this Charter shall be construed as a bar upon the consolidation of City departments, either with one another or with agencies of government of the County of El Paso or other political subdivisions within El Paso County. Further, nothing in this Charter shall be construed as a bar upon consolidation between the City and the County.

### **Section 1.4 PUBLIC UTILITY REGULATION.**

The City shall have all authority permitted under the laws of Texas to regulate and fix the reasonable rates to be charged by public utility corporations engaged in supplying gas, electricity, water, sewerage or any other convenience or commodity to consumers, provided such rates shall be fixed, in accordance with the applicable laws of Texas, after giving the company an opportunity to be heard. The City shall have access to any company books, records or accounts necessary to exercise this power. Whenever a public utility company, railroad company, telegraph company, irrigation company or any other public corporation has an obligation imposed by franchise or by any lawful order of the City, the City shall cause written notice to be given to an appropriate official in the company stating the act required to be performed and specifying a reasonable time for performance. Failure to comply in timely fashion shall subject the company to such penalty as may be provided by ordinance.

### **Section 1.5 APPLICATION FOR REMEDY PREREQUISITE TO SUIT AGAINST CITY.**

No suit shall be instituted against the City unless the claimant shall aver and prove that, previous to filing the original petition, the claim was presented to the Council and the Council failed either to grant or act upon the claim in a timely fashion. This provision shall not apply in instances in which injunction or any other of the extraordinary writs are sought.

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## Article II. NOMINATIONS AND ELECTIONS

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Section 2.1 CITY ELECTIONS.

Section 2.2 NOMINATIONS.

Section 2.3 ELECTIONS.

Section 2.4 REPRESENTATIVE DISTRICTS; ADJUSTMENT OF DISTRICTS.

### Section 2.1 CITY ELECTIONS.

- A. Regular Elections. The regular City elections to be held in 2015 and 2017 shall be held on the uniform date established in the Texas Election Code during the month of May with a run-off election to be held on the earliest date practicable in accordance with the law. These terms of elected office commence on the last Tuesday in June, or if necessary to comply with state or federal law, the Tuesday following the canvass of a run-off election, whichever is later. Beginning in 2018, the regular City elections shall be held on the uniform date established in the Texas Election Code during the month of November with a run-off election to be held on the earliest date practicable in accordance with the law. All terms of elected office beginning with the November 2018 election commence on the first Tuesday in January following the election, or if necessary to comply with state or federal law, the Tuesday following the canvass of a run-off election, whichever is later.
- B. Officers Elected. The qualified voters of El Paso shall, as necessary to fill expired terms, elect the following officers, as provided herein and under Section 2.4 A, at the regular elections: A Mayor, eight District Representatives, and Judges of the Municipal Courts. Each Representative shall be elected from a district and the Mayor and other officers shall be elected from the City at large. The Judges of the Municipal Courts, the Mayor, and the District Representatives from districts numbers 2, 3, 4 and 7 taking office in June 2013 shall serve four year terms. Commencing in June 2015, the District Representatives from districts numbers 1, 5, 6 and 8 shall be elected to terms greater than three years but less than four years that conform to the change made in subsection A to the start of the term and the new election date beginning in November 2018, and they shall thereafter be elected to four-year terms. Commencing in June 2017, the Judges of the Municipal Courts, the Mayor, and the District Representatives from districts numbers 2, 3, 4 and 7 shall be elected to terms greater than three years but less than four years that conform to the change made in subsection A to the start of the term and the new election date beginning in November 2020, and they shall thereafter be elected to four-year terms. Each officer shall hold office during the term for which elected and established herein and until the election and qualification of a successor, unless sooner removed in any manner provided in this Charter.
- C. Recall. Any elected officer of the City may be removed from office, for stated reasons, by those voters who are qualified to vote for a successor to such office.

The Council shall enact, within sixty days of the adoption of this Charter, an ordinance providing for:

1. The general conduct of recall elections;
2. Receipt, by the City Clerk, prior to the conduct of any recall election of a petition bearing authentic signatures of a number of registered voters equal to at least twenty percent of the total number of votes cast in the election of the officer whose recall is sought;

3. Completion of a recall petition within sixty days of filing notice with the City Clerk of intent to circulate a petition for recall; and
4. Recall petitions to specify the reasons for which recall is sought.

No recall petition shall be filed against any elected officer within six months after taking office, nor within twelve months of the end of the elected officer's term of office, nor in case of an officer who was the subject of an unsuccessful recall election, until six months after that election. Should the elected officer, whose recall is sought, resign, no recall election shall be held.

- D. Vacancies and Removal from Office. An elective office also shall become vacant upon death, resignation, forfeiture of or removal from office of the officer in any manner authorized by law. Any elected City official shall be subject to removal from office if that official:
1. Lacks, at any time during the term of office, any qualification or requirement prescribed by this Charter or other law;
  2. Is convicted of any felony, or of a misdemeanor involving moral turpitude;
  3. Violates the City Ethics Ordinance;
  4. Makes any willful false statements or commits any fraud preventing the impartial execution of the provisions of this charter;
  5. Knowingly and willfully solicits or assists in soliciting any contributions from any political party to be used in conjunction with any City election of City officers; or
  6. In the case of the Mayor or a Representative, fails to attend three consecutive regular meetings of the Council without being excused by the Council. A Representative shall forfeit office if, during the term of office, that Representative establishes residence outside the Council district from which elected, unless otherwise provided by law.
- E. Qualified Voters. All citizens qualified by the laws of Texas to vote in the City and who satisfy the requirements for registration shall be qualified voters of the City.

## Section 2.2 NOMINATIONS.

- A. Qualifications for Office. In addition to the requirements prescribed by law, the following shall be the qualifications for City elective offices:
1. Candidates for Mayor shall have been City residents for the 12 months next preceding the election, and must be at least 21 years of age;
  2. Candidates for Representative shall have been City residents for the 12 months next preceding the election, and residents of the district for 6 months next preceding the election, and must be at least 21 years of age;
  3. Candidates for Municipal Judge shall have been City residents for the 12 months next preceding the election, licensed to practice law in Texas, and at least 21 years of age;
  4. Candidates for Mayor and Representative shall be eligible for that elective office only when holding that office for a term of four years shall not result in the candidate exceeding the term limitation established in Section 2.2 C.
- B. Indebtedness: Financial Disclosure.
1. No person shall be eligible for any elective office who, at the time of taking office, whether by virtue of election or appointment, is indebted to the City in any sum of money on judgment, contract or valid tax levy or assessment.
  2. Each person elected to City office, as a condition to being administered the oath of office, shall have filed with the City Clerk a signed, sworn statement disclosing:
    - a. Where, by whom, and by what specific capacity that person and that person's spouse, if any, is employed or self-employed;
    - b. Membership on boards of directors of corporations, whether they are organized for profit or not, of that person and that person's spouse, if any;

- c. Partnership interest of that person and that person's spouse, if any;
  - d. The names and addresses of any business in which that person or that person's spouse, if any, has a financial investment; and
  - e. Ownership of real property of that person and of that person's spouse, if any.
3. No person submitting such a statement of financial disclosure must indicate therein the extent of financial involvement in any investments.
  4. Each person subject to this provision shall file with the City Clerk a signed, sworn, updated revision of this statement, annually, while in office.
- C. Limitation. No Mayor or Representative may hold such office for more than a total of ten years throughout their lifetime.
  - D. Filing for Candidacy. To become a candidate for elective office a person must file a sworn application with the City Clerk, in accordance with the laws of Texas for nonpartisan or independent candidates, and must accompany the application with a filing fee of \$500.00 for the office of Mayor and \$250.00 for any other office.
  - E. Petition for Candidacy. In lieu of the payment of a filing fee, any person qualified for an elective office may become a candidate by petition of 25 qualified voters who are eligible to vote for that candidate or such other greater number of qualified voters as may be required by state law. The signed petitions shall be filed with the City Clerk at the time of filing for candidacy. Each signer next to his signature shall indicate voter registration number, date of signing and place of residence. Within five days after the filing of a nominating petition, the City Clerk shall notify the candidate and the person who filed the petition, if other than the candidate, whether it satisfies the requirements prescribed by this Charter. If a petition is found insufficient, the City Clerk shall return it immediately to the person who filed it with a statement certifying wherein it is insufficient. Within the regular time for filing petitions a corrected petition may be filed for the same candidate.
  - F. Non-Partisan Elections. Candidates for City elective office shall not be nominated by primary elections.

### **Section 2.3 ELECTIONS.**

- A. Conduct of Elections. All elections shall be held in accordance with the laws of Texas. Notwithstanding any other provision of this Charter, when a special election is required by a provision of this Charter to be ordered, it will be scheduled for the next uniform election date as specified in state law or the date of the next election that will be conducted by the County Elections Administrator, as directed by the Council.
- B. Names on Ballots. The names of all candidates for all elective city offices, except those who have withdrawn, died or become ineligible, shall be printed without party designation or symbol on the official ballots. If two or more candidates have the same surname or surnames so similar as to be likely to cause confusion, their residence addresses shall be printed with their names on the ballot.

### **Section 2.4 REPRESENTATIVE DISTRICTS; ADJUSTMENT OF DISTRICTS.**

- A. Number of Districts. There shall be eight Representative districts. The Representative districts shall be of substantially equal population. One Representative shall be elected from each of the Representative districts established by the Council. Each district shall be numbered; for example, "Representative District No. 1." At such time when the results of a decennial United States census shows the population of the City to be one million or more, the Council may take the appropriate action to increase the number of District Representatives from eight to ten.
- B. Districting Commission. On or before September 1 next following the publication of the results of each decennial United States census, each Representative shall nominate one qualified voter from his or her district and the Mayor shall nominate one qualified voter from the City at large. Upon approval by the Council, these nominees shall comprise the Districting Commission. The

Commission shall elect its own presiding officer. The nominees chosen shall not serve the City in any other capacity, whether appointive or elective, nor shall they hold any other elective public office. The Commission shall make recommendations to the Council concerning adjustments of the boundaries of the Representative districts. Upon receiving the Commission's recommendations, the Council shall review the population of each district, and as soon as possible, shall change the boundaries thereof as necessary to insure substantial equality in the populations of the districts. In addition, the Council may change the boundaries of the Representative districts more often than after each decennial census, as necessary to insure substantial equality in the populations of such Representative districts. All such changes shall be made in a manner which complies with the constitutional principles and laws governing voting rights of the United States and Texas.