

## Proposition C

An amendment to the City Charter providing that the Chief of Police shall be appointed by the City Manager with confirmation by the City Council.

### **Section 2.01 Number, Selection, and Term of Office.**

The governing and law making body of the City of Coleman shall consist of a Mayor and four (4) Council members, and said body shall be known as the "City Council of the City of Coleman." The members of the City Council ~~of the City of Coleman, and the Chief of Police~~ shall be the only elective officers of the City. The members of the City Council shall run for office, and be elected from each of four (4) Wards by the voters of the City of Coleman as a whole, in the manner provided in Article 3, for a term of two (2) years, or until their successors are duly elected and qualified. The Mayor and two (2) members of the Council shall be elected by popular vote each odd numbered year, and two (2) members shall be so elected each even numbered year.

~~The Chief of Police of the City of Coleman shall run for office and be elected for a term of four (4) years, or until a successor is duly elected and qualified.~~

### **Section 2.02 Wards.**

~~Candidates for Chief of Police shall be residents of the City of Coleman as hereinafter provided in Article II, Section 2.04, and shall be elected by the voters of the City of Coleman as a whole.~~

### **Section 2.03 Prohibiting Holding or Running for Other Office.**

No person elected to the City Council ~~or as Chief of Police~~ shall, during the term for which elected, be appointed to any office or position in the service of the City. A member of the City Council, the Chief of Police, or a member of any board appointed by the City Council, or any appointive officer or employee of the City who becomes a candidate for nomination or election to any publicly elected office other than re-election to the same position on the City Council ~~or Chief of Police~~ shall forfeit that place or position with the City effective upon election to such office.

### **Section 2.04 Qualifications.**

Each of the four (4) Council members, and the Mayor, ~~and Chief of Police~~ shall be citizens of the United States of America and a registered qualified voter of the State of Texas, and shall be at least 18 years of age; and shall live within the corporate limits of the City of Coleman, and shall have resided within the corporate limits for at least one (1) year preceding the election at which they are candidates. Each of the four (4) City Council persons shall have lived within the Ward for which they are filing for a minimum of one (1) year immediately preceding the election at which they are a candidate. They shall not be in arrears in the payment of any taxes or other liability due the City nor be disqualified by reason of any provision of any other section of this Charter.

~~Candidates for Chief of Police shall, at the time of filing, possess a minimum of a Basic Certificate issued by the Texas Commission on Law Enforcement Officer Standards and Education (TCLEOSE).~~

~~A member of the Council, or Chief of Police, ceasing to possess any of the qualifications specified in this section, or any other section of this Charter, or convicted of a felony while in office, shall immediately forfeit the office.~~

~~In accordance with state law, no member of the Council shall hold any other public office within the City, except that of Notary Public or member of the National Guard, Naval or Military Reserve, or be a retired member of the Armed Forces.~~

### **Section 2.06 Vacancies.**

~~In the event a vacancy or vacancies occurs in the office of Mayor or Council Member, from any cause whatsoever, the remaining Council Members shall, if the remainder of the term is one year or less, have the option of appointing a qualified person to fill such vacancy or vacancies until the next regular election. If the remainder of the term is in excess of one year, the Council shall; and if for less than one year, may call a special election which shall be held on the earliest date permitted by state law, after the vacancy or vacancies occurs, for the purpose of filling such position or positions for the remainder of the unexpired term.~~

~~If a vacancy occurs in Chief of Police position, the Council shall call a special election which shall be held on the earliest date permitted by state law, after the vacancy occurs, for the purpose of filling such position for the remainder of the unexpired term. During the period immediately following the occurrence of such vacancy, and prior to the election and qualification of the new Chief of Police, or in case of the incapacitation of the Chief of Police, the position shall be filled temporarily by a qualified person from within the Police Department, as appointed by the Chief of Police in writing, upon election to each term of office.~~

### **Section 3.01 General Elections.**

~~The regular City election shall be held annually on the first Saturday in May, or on such equivalent date as may be established by State Election Law, at which time officers will be elected to fill those offices which become vacant that year. The City Council shall fix the hours and place for holding such elections. All candidates for the City Council and Chief of Police, shall file for, and shall be elected from the City, at large, by obtaining a majority of the votes cast. The Mayor's office and two Council positions shall be filled in odd numbered years, and two Council positions shall be filled in even numbered years.~~

### **Section 3.03 Filing for Office.**

Any qualified person who desires to become a candidate for election to the office of Mayor or City Council Member, ~~or Chief of Police~~, shall file with the City Secretary not less than forty-five (45) days prior to the election, an application in substantially the following form:

#### **LOYALTY OATH**

I, \_\_\_\_\_, of the City of Coleman, County of Coleman, State of Texas, being a candidate for the office of Council Member, or Mayor, ~~or Chief of Police~~, do solemnly swear that I believe in and approve of our present representative form of government, and if elected, I will support and defend our representative form of government and shall resist any effort or movement from any part thereof, and I will support and defend the Constitution and the Laws of the United States of America and of the State of Texas.

### **Section 3.04 Official Ballot.**

The official ballot shall be drawn up by the City Secretary and approved by the City Attorney, and will contain the names of all candidates for office, except when possible, those who may have been withdrawn, deceased, or become ineligible. The ballot shall have the designation of the particular office (Mayor, or Council Member, ~~or Chief of Police~~) and under the appropriate designation shall appear the names of the candidates. These names shall be positioned upon the ballot as determined by a drawing conducted by the City Secretary.

### **Section 3.05 Conducting and Canvassing Elections.**

The returns of every municipal election shall be delivered forthwith by the Election Judges to the Mayor. The Council shall canvass the returns, investigate the qualifications of the candidates, and declare the official results of the election in the manner and within the time provided by law, and deliver the votes to the City Secretary. Returns of every municipal election shall be recorded in the minutes of the Council. The candidate for Mayor who receives a majority of ballot votes by qualified voters at the election, shall be declared elected. The candidates for election to the places of Council Members who receive a majority of ballot votes cast by qualified voters voting at the election, shall be declared elected. ~~The candidate for Chief of Police who receives a majority of the ballot votes by qualified voters at the election, shall be declared elected.~~ The results of said election shall be posted in the City Hall as soon as possible.

The City Council shall be the judge of the election and qualifications of its own members, but the decision of the Council, in any case, shall be subject to review by the courts.

### **Section 4.07 Power of Recall.**

The citizens of the City reserve the power to recall any member of the Council, ~~or the Chief of Police~~, and may exercise such power by filing with the City Secretary a petition, signed by

registered qualified voters of the City equal in number to at least thirty (30%) percent of the number of votes cast at the last regular municipal election of the City, or by one hundred (100) registered qualified voters, whichever is greater, demanding the removal of a member of the City Council ~~or Police Chief~~. The petition shall be signed and verified in the manner required, by the form prescribed below. Such petition shall contain a statement of the specific acts of misfeasance and/or malfeasance for which the removal is sought, and one of the signers of each petition paper shall make an affidavit as prescribed below. The following form of petition and acknowledgement is herein prescribed:

#### **Section 4.09 Recall Ballot.**

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

(a) With respect to each person whose removal is sought, the question shall be submitted “Shall (Name) be removed from the office of City Council Person, or Mayor, ~~or Chief of Police?~~”

#### **Section 4.11 Limitations on Recall.**

No recall petition shall be filed against any officer of the City within six (6) months after election. No officer, ~~with the exception of the Chief of Police~~, shall be subjected to more than one (1) recall during a single term of office. ~~However, the Chief of Police, whose term of office is four (4) years, may be subject to two recalls during a single term of office, but such recall elections shall not be less than one year apart.~~ No recall petition shall be filed against any officer within six (6) months of the expiration of the term of office.

#### **Section 5.07 Administrative Departments.**

There shall be such administrative departments as are established by this Charter, and such other administrative departments as may be deemed necessary by the Council, and as established by ordinance; all of which, ~~with the exception of the Police Department~~, shall be under the control and direction of the City Manager. The Council may abolish or combine one or more departments created by it and may assign or transfer duties of any department of the City from one department to another, by ordinance.

#### **Section 5.10 Police Department.**

~~The City Council of the City of Coleman shall have the power, by ordinance, to establish and maintain a police department and to provide for the direction, organization, and staffing thereof, and to fix the salaries therefor. The City Council shall appoint and may remove a Chief of Police by majority vote of the City Council. Employees of the Police Department shall be subject to all provisions of the City Personnel Policy and Pay Classification Plan as are other City employees.~~

The City Manager shall appoint, with the confirmation of the City Council, a Chief of the Police Department, whose duties and obligations shall be determined and supervised by the City Manager. The City Manager may remove a Police Chief, with or without cause, without requiring the confirmation of the City Council.

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