

RESOLUTION 20-07

A RESOLUTION OF THE CITY OF COLEMAN, TEXAS CALLING FOR A SPECIAL ELECTION ON THE QUESTION OF AMENDMENTS TO THE CITY OF COLEMAN'S HOME RULE CHARTER; ESTABLISHING DATE OF ELECTION; DESIGNATING POLLING PLACES; PROVIDING FOR EARLY VOTING; PROVIDING FOR THE APPOINTMENT OF ELECTION JUDGE(S) AND AN EARLY VOTING CLERK; PROVIDING FOR BALLOTS BY MAIL AND EMAIL TO THE EARLY VOTING CLERK'S OFFICIAL MAILING ADDRESS AND/OR EMAIL ADDRESS; AUTHORIZING THE CITY SECRETARY TO PUBLISH AND/OR POST NOTICE OF THE ELECTION

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF COLEMAN, TEXAS:

ARTICLE 1

SECTION 1. That the special election be called for and held between the hours of 7:00 a.m. and 7:00 p.m. on the first Saturday in May 2020, the same being May 2, 2020, for the purpose of amending the Home Rule Charter of the City of Coleman. This election shall be held and conducted in accordance with the provisions of the Texas Election Code.

SECTION 2. The notice of election shall be posted on the bulletin board Council uses to publish notice of the City Council meetings and be published in a newspaper of general circulation published in the City. Said notice must include a substantial copy of the proposed amendments; include an estimate of the anticipated fiscal impact to the municipality if the proposed amendments are approved at the election; and be published on the same day in each of two successive weeks, with the first publication occurring before the 14th day before the date of the election. The person posting notice shall make a record of the time of posting, starting date, and the place of posting, which shall be the bulletin board Council used to post notice of Council meetings.

SECTION 3. The polls shall be open from 7:00 a.m. until 7:00 p.m. on Saturday, May 2, 2020 ("Election Day"). The polling place for the election on Election Day shall be: The City of Coleman Council Chambers, 200 West Liveoak Street, Coleman, Texas, 76834. Early voting by personal appearance shall be held at the City of Coleman Council Chambers, 200 West Liveoak Street, Coleman, Texas 76834, from 8:00 a.m. to 12:00 p.m.

- 1:00 p.m. to 5:00 p.m., beginning Monday, April 20, 2020, through Tuesday, April 28, 2020, with the exception of extended hours on Monday, April 27, 2020, and Tuesday, April 28, 2020, when the hours shall be from 7:00 a.m. until 7:00 p.m. on those two (2) days.

SECTION 4. The following measures amending the City Charter shall be submitted to the qualified voters of the City at the special election in the form of propositions in accordance with Section 9.004 of the Texas Local Government Code and other applicable laws:

Measure A

Section 1.07 Annexation and Disannexation.

~~Extension of the City Limits by Petition—Whenever a majority of the legally qualified property owners who are citizens of the State of Texas and inhabitants of any territory adjoining the City of Coleman, or in case there are no qualified voters in said territory, the persons owning a majority of the land in the area to be annexed, may present a written petition to the Council requesting annexation, and shall attach to said petition an affidavit from one or more of their number, to the effect that said petition is signed by a majority of such qualified voters, or in the case there are no qualified voters in said territory and that the persons signing the petition own a majority of the land in said territory. Thereupon the Council, at a regular session or in special session held not sooner than thirty (30) days after the presentation of said petition may, by ordinance, annex such territory to the City of Coleman, and thence forth the said territory shall be a part of the City of Coleman.~~

~~The inhabitants thereof shall be entitled to all the rights and privileges of other citizens and shall be bound by the acts, ordinances, resolution, and regulations of the said City.~~

~~Extension of Boundaries—The boundaries of the City of Coleman may be enlarged and extended by annexation of additional territory, irrespective of size and configuration, in any of the methods hereinafter designated.~~

~~(a)—**Extending Limits in Accordance with Article 974 of the Revised Civil Statutes of Texas, as now or hereinafter Amended.** Where such additional territory adjoins the corporate limits of the City and contains three or more inhabitants qualified to vote for members of the State Legislature, such adjacent territory may be annexed into the City in the manner and in conformity with the procedure set forth in Article 974 of the Revised Statutes of the State of Texas 1925, as now or hereafter amended.~~

~~(b)—**Annexation of Unoccupied Lands on Petition of Owner.** The owners or owner of any land which is without residents, adjacent to the City, may, by petition to the City Council in writing, request the annexation of such contiguous and adjacent land, describing it by metes and bounds. The City Council shall thereafter, and not less than five (5) days and not more than thirty (30) days after the filing of such petition, hear such petition and the arguments for and against the same, and grant or refuse such petition, as the City~~

Council may see fit. If the City Council grants such petition, it may by proper ordinance, receive and annex such territory as a part of the City.

~~(c) — **Annexation by Amendment to Charter.** The boundary limits of the City may be fixed, and additional territory added or annexed thereto by amendment to the Charter of the City.~~

~~(d) — **Extending Limits by Action of the City Council.** The City Council shall have power by ordinance to fix the boundary limits of the City of Coleman and to provide for the extension of said boundary limits and the annexation of additional territory lying adjacent to said City, with or without the consent of the residents or the owners of the territory annexed. All annexation under this subsection shall specify in the official Service Plan, that utilities will be installed within the time frame required in Section 43.056 of the Local Government Code.~~

~~(e) — **Annexation by Any Other Method Provided by Law.** Additional territory may be annexed to the City in any manner and by any procedure that may now be provided by law or that may be hereafter provided, or in such manner as shall be provided by ordinances or resolutions of the City Council; same shall be in addition to the methods hereinabove provided.~~

~~(f) — **Annexed Territory to Become Part of the City** Upon completion of any one of the procedures herein above provided, the territory so annexed shall become a part of the City, and said land and its residents and future residents shall be provided, within a timely manner, all the rights and privileges of other citizens of the City, and shall be bound by the acts, ordinances, resolutions, and regulations of the City.~~

~~Disannexation—~~

(a) The boundaries of the City of Coleman may be enlarged and extended by annexation of additional territory, irrespective of size and configuration in accordance with State law.

(b) Whenever there exists within the corporate limits of the City any territory not suitable or necessary for City purposes, the Council may, upon a petition signed by the majority of the qualified voters residing in such territory, if the same be inhabited, or without any such petition if the same be uninhabited, by ordinance duly passed, discontinue said territory as a part of the said City. Said petition and ordinance shall specify accurately the metes and bounds of the territory sought to be eliminated from the City, and shall contain a plat designating such territory so that the same can be definitely ascertained; and when said ordinance has been duly passed, the same shall be entered into the minutes and records of the City. From and after the entry of such ordinance, said territory shall cease to be a part of said City, but said territory shall still be liable for its pro-rata share of any debts incurred while said area was a part of said City; and the City shall continue to levy, assess, and collect taxes on the property within said territory to pay the indebtedness incurred while said area was a part of the City as though the same had not been excluded from the boundaries of the City. Provided, however, that in the event such disannexation shall be initiated unilaterally by the City without

application of the residents residing within such areas to be disannexed, or the owners thereof, then in such event, the City shall not continue to levy, assess, and collect taxes on such disannexed area, as herein provided.

Section 2.04 Qualifications.

Each of the four (4) Council members, 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.

Section 2.05 Council to be the Judge of the Qualification of its Own Members.

The City Council shall be the judge of the election and qualifications of its own members, and for such purpose shall have power to subpoena witnesses and require the production of records. ~~The Council shall, within five (5) calendar days after a regular or special election, either at a called meeting of said Council, called for that purpose; or at the next regular meeting, canvass the returns and declare the results of each election.~~

Section 3.02 Regulation of Elections.

~~The Council shall conduct all elections consistent with State law. shall make all regulations considered to be necessary or desirable which are not inconsistent with this Charter or the laws of the State of Texas, for the conduct of municipal elections, or for the prevention of fraud, and shall make provisions for recount of the ballots in case of doubt or fraud. The Council will appoint election officials who will conduct the municipal elections consistent with this Charter, regulations made by the Council, and the laws of the State of Texas. The Council shall provide for the compensation of all election officials in City elections and for all other expenses of holding such elections.~~

Section 3.03 Filing for Office.

Any qualified person who desires to become a candidate for election to the office of Mayor, 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:

~~**Section 3.06 Election Runoff.**~~

~~In the event any candidate for any said office fails to receive a majority of all votes cast for all candidates for such offices at such election, the Council shall, on the first day following completion of the official counting of the ballots cast at said first election, issue a call for a second election to be held in the City within thirty (30) days; at which said second election, the two candidates receiving the greatest number of votes for any such office in~~

~~the first election at which no one was elected by receiving a majority of all votes cast for all candidates for such election, shall again be voted for. In the event of a tie between two candidates for any office at said second election, they shall cast lots to determine who shall be elected to such office.~~

Section 4.05 Council Consideration, and Submission to Voters.

When the Council receives an authorized initiative petition certified by the City Secretary to be sufficient, the Council shall either:

- (a) Pass the initiated ordinance, without amendment, within thirty (30) days after the date of the certification to the Council; or
- (b) Submit said initiated ordinance, without amendment, to a vote of the registered voters of the City at a ~~regular or~~ special election to be held on the first uniform election date authorized by law within ninety (90) days after the date of the certification to the Council; or
- (c) At such election, submit to a vote of the registered voters of the City said initiated ordinance without amendment, and an alternative ordinance on the same subject proposed by the Council.

When the Council receives an authorized referendum petition certified by the City Secretary to be sufficient, the Council shall reconsider the referred ordinance. If upon such reconsideration such ordinance is not repealed, it shall be submitted to the voters at a ~~regular or~~ special election to be held on the first uniform election date authorized by law not more than ninety (90) days after the date of the certification to the Council. Special elections on initiated or referred ordinances shall not be held more frequently than once each six (6) months.

No ordinance on the same subject as the initiated ordinance, which has been defeated at any election, may be initiated by the voters within two (2) years from the date of such election.

Section 7.02 Preparation and Submission of Budget.

~~The City Manager, prior to June 1st of each year, shall prepare and submit to the Council, the budget covering the next fiscal year, which shall contain the information described below. In preparing the budget, each employee, officer, board, and department shall assist the City Manager by furnishing all necessary information.~~

- (a) ~~The City Manager's budget message shall outline the proposed financial policies for the next year, with explanations of any change from previous years in expenditures, and any major changes of policy; and a complete statement regarding the financial condition of the City.~~
- (b) ~~An estimate of all revenue from taxes and other sources, including the present tax structure, rates, and property evaluation, for the ensuing year. —~~
- (c) ~~A carefully itemized list of proposed expenses by office, department, agency, employee, and project for the budget year, as compared to actual expenses of the last fiscal year, and the present year to date expenses.~~

~~(d) — A description of all outstanding bond indebtedness, showing amount, purchaser, date of issue, rate of interest, and maturity date, as well as any other indebtedness which the City has incurred and which has not been paid.~~

~~(e) — A statement proposing any capital expenditures deemed necessary for undertaking during the next budget year, and recommended provisions for financing.~~

The City Manager shall keep the City Council fully advised as to the financial condition and future needs of the City and make such recommendations to the City Council concerning the affairs of the City as the City Manager deems desirable. The City Manager shall prepare and present an annual budget to the City Council in accordance with state law.

Section 11.06 — Transfer of Franchise.

~~No franchise shall be transferable except to persons, firms, or corporations taking all or substantially all of the holder's business in the City of Coleman, and except with the approval of the Council, expressed by ordinance. All liabilities to the City of Coleman shall be paid in full at the time of the transfer.~~

Measure B

Section 1.03 General Powers of the City.

The City of Coleman shall have all powers of municipalities as provided by the Constitution and laws of the State of Texas, together with all of the implied powers necessary to carry into execution such granted powers.

The City may:

~~(a) — use a corporate seal;~~

~~(b) — sue and be sued;~~

~~(c) — contract and be contracted with;~~

~~(d) — cooperate with the government of the State of Texas, or any agency of any political subdivision thereof, or with the federal government or any agency thereof, to accomplish any lawful purpose for the advancement of the interest, welfare, health, morals, comfort, safety, and convenience of the City and its citizens;~~

~~(e) — acquire property within or without its corporate limits for any municipal purpose in fee simple, or in any lesser interest or estate by purchase, gift, devise, lease, or condemnation; and subject to the provisions of this Charter;~~

~~(f) — sell, lease, mortgage, hold, manage, improve, and control such property as may now or hereafter be owned by it; provided, however, the City shall not sell, convey, mortgage, or otherwise alienate any public utility without prior approval of the voters of the City;~~

~~(g) — exercise the power of eminent domain, where necessary or desirable, to carry out any of the powers conferred upon it by this Charter, or by the Constitution and laws of the State of Texas;~~

(h) — pass ordinances and enact such regulations as may be expedient for the maintenance of the City and the welfare, health, morals, comfort, safety, and convenience of its citizens.

The powers hereby conferred upon the City shall include, but are not restricted to, the powers conferred expressly and permissively by Chapter 147, page 307; and Section 4 of Chapter 147, pages 310-316 of the Acts of the 33rd Legislature, Regular Session, enacted in 1923, pursuant to the Home Rule Amendment of the Constitution of Texas known as the Enabling Act; and including Articles 1175, 1176, 1177, and 1180, of the Revised Civil Statutes of Texas, 1925; as now or hereafter amended, all of which are hereby adopted. In addition to the powers enumerated herein, and subject only to the limitations imposed by the State Constitution, the State laws, and this Charter, the City shall have, without the necessity of express enumeration in this Charter, each and every power which, by virtue of Article II, Section 5 of the Constitution of Texas, the people of the City are empowered by election to grant to or confer upon the City by expressly and specifically granting and enumerating the same herein. All such power whether expressed or implied, shall be exercised and enforced in the manner prescribed in this Charter; or when not prescribed herein, in such manner as shall be provided by the ordinance of the Council.

Section 1.04 — Streets and Public Property.

The City shall have exclusive dominion, control, and jurisdiction in, upon, over, and under the public streets, sidewalks, alleys, highways, public squares, and public ways within the corporate limits of the City, and in, upon, over, and under all public property of the City. With respect to each and every public street, sidewalk, alley, highway, public square, public park, or other public way within the corporate limits of the City, the City shall have the power to establish, maintain, improve, alter, abandon, or vacate the same; to regulate the use thereof; and to abate and remove in a summary manner any encroachment hereon.

Section 1.05 — Street Development and Improvement.

The City shall have the power to develop and improve, or cause to be developed and improved, any and all public streets, sidewalks, alleys, highways, and other public ways within the corporate limits of the City by laying out, opening, narrowing, widening, straightening, extending, lighting, and establishing building lines along the same; by purchasing, condemning, and taking property therefor by filling, grading, raising, lowering, paving, repaving, and repairing, in a permanent manner, the same; and by constructing, reconstructing, altering, repairing, and realigning curbs, gutters, drains, sidewalks, culverts, and other appurtenances and incidentals in connection with such development. Improvements may be paid partly or entirely by assessments levied as a lien against the property abutting thereon and against the owners thereof. Such assessments may be levied in any amounts and under any procedure not prohibited by the State Law; provided that no assessment shall be made against such land or owners in excess of the enhancement in value of such property occasioned by such improvement.

As an alternate and cumulative method of developing, improving, and paving any and all public streets, sidewalks, alleys, highways, and other public ways within its corporate limits, the City shall have the power and authority to proceed in accordance with Chapter

106, Page 489, Acts 1927, Fortieth Legislature, First Called Session, as now or hereafter amended, the same being Article 1105b of the Revised Civil Statutes of Texas, 1925.

Section 7.01—Fiscal Year.

The fiscal year of the City of Coleman shall begin on October 1st of each calendar year and will end on September 30 of the following calendar year. The fiscal year will also be established as the accounting and budget year. All funds collected by the City during any fiscal year, including both current and delinquent revenue, shall belong to such fiscal year. Except, funds derived to pay interest and create a sinking fund on the bonded indebtedness of the City, may be applied to the payment of bond related expenses due during such fiscal year. Any revenues uncollected at the end of any fiscal year, and any unencumbered funds actually on hand, shall become resources of the next succeeding fiscal year. (Section 7.01 was amended by a special election held May 10, 2008)

Section 7.03—Budget, a Public Record.

The Budget and all supporting schedules shall be filed with the City Secretary when submitted to the Council, and shall be open to public inspection by anyone interested.

Section 7.05—Proceeding on Adoption of Budget.

After public hearing, the Council shall analyze the budget, making any additions or deletions which they feel appropriate, and shall, prior to the beginning of the next fiscal year, adopt the budget by a favorable majority vote of all members of the Council.

Section 7.06—Budget, Appropriation, and Amount to be Raised by Taxation.

On final adoption, the budget shall be in effect for the budget year. Final adoption of the budget by the Council shall constitute the official appropriation of proposed expenditures for the current year, and shall constitute the basis of the official levy of the property tax and the amount of tax to be assessed and collected for the corresponding tax year. Estimated expenditures will, in no case, exceed proposed revenue plus cash on hand. Unused appropriations may be transferred to any line item budgeted for the same general purpose.

Section 7.07—Unallocated Reserve Fund.

The City Manager may recommend for action by the Council, an unallocated reserve fund to be used for unexpected items of expense which were not original items of expenditures.

Section 7.08—Administration of Budget.

No payment shall be made or obligations incurred against any allotment or appropriation except in accordance with appropriations duly made in the budget unless the City Manager or his designee first certifies that there is a sufficient unencumbered balance in such allotment or appropriation, and that sufficient funds therefrom are or will be available to cover the claim or meet the obligation when it becomes due and payable. Notwithstanding anything above, there shall be no transfer of budgeted funds or monies from a department without prior Council approval.

Section 7.10—Amending the Budget.

~~Under unforeseen conditions which may arise and which could not reasonably have been anticipated in the normal process of planning the budget, the Council may, by a majority vote of the full membership, amend or change the budget to provide for any additional expense in which the general welfare of the citizenry is involved. These amendments shall be by ordinance, and shall become an attachment to the original budget.~~

~~Section 7.11 — Certification: Copies Made Available.~~

~~A copy of the budget, as finally adopted, shall be filed with the City Secretary. The final budget shall be printed, or otherwise reproduced, and sufficient copies shall be made available for the use of all offices and agencies, and for the use of interested persons and civic organizations.~~

~~Section 7.12 — Defect Shall Not Invalidate the Tax Levy.~~

~~Errors or defects in the form or preparation of the budget or the failure to perform any procedural requirements shall not nullify the tax levy or the tax rate.~~

~~Section 7.13 — Independent Audit.~~

~~At the close of each fiscal year, and at such other times as it may be deemed necessary, the Council shall direct that an independent audit be made of all accounts of the City by a Certified Public Accountant. The Certified Public Accountant shall not have personal interest, directly or indirectly, in the financial affairs of the City or any of its officers. Upon completion of the audit, the results thereof shall be placed on file in the City Secretary's office for public record.~~

~~Section 8.02 — Manner of Issuance.~~

~~Bonds and warrants of the City of Coleman shall be issued in the manner provided by the general laws of the State of Texas.~~

Section 9.01 Power of Taxation.

The Council shall have the power to levy, for general purposes, an ad valorem tax on real, personal, and mixed property within the territory of the City of Coleman, not exempt from taxation by the Constitution and laws of the State of Texas. This tax shall be based upon the true value of the property, as provided by law, to the extent of the constitutional limit permitted by the State of Texas for home rule cities.

~~The Council may levy taxes on all property, privileges, and franchises of every kind and description within the City limits or having its situs therein, and from any other local sources, on January 1st of each year, and provide for rendition thereof, the place, time, and manner of payment thereof, with penalties, as the Council may deem best, not in violation of the laws of this State. The City Council shall have the power to, at its option, provided for collection of taxes utilizing City employees; or it may contract with other entities for such collection, as prescribed by State law.~~

~~Section 9.02 — Assessment of Property for Tax Purposes.~~

~~Every person, partnership, association, or corporation, holding, owning, or controlling property within the limits of the City shall, on January 1st of each year, be assessed taxes, as prescribed by the Coleman County Central Appraisal District and the Texas State Property Tax Codes.~~

~~State law reference~~ Authority of municipality to impose property taxes, V.T.C.A., Tax Code, sec. 302.001.

Section 9.03 — Exempt Property.

~~The City hereby exempts such personal property from taxation as may be provided for by the State Constitution and laws of the State of Texas, and may grant any exemption allowed by the Texas State Property Tax Code.~~

~~State law reference~~ Property tax exemptions, V.T.C.A., Tax Code, sec. 11.11 et seq.

Section 9.04 — Early Tax Payments

~~The City Council may, by ordinance, provide for discounts for early tax payments, as may be permitted by State Law.~~

Section 9.05 — Payment of Taxes.

~~The taxes herein and hereby authorized to be levied shall become due and payable October 1st of the year assessed, and same shall be payable in cash at the office of the Collector of Taxes, or such other officer as the City may, prescribe by ordinance.~~

Section 9.06 — Delinquent Taxes.

~~Taxes shall be deemed and become delinquent if not paid prior to February 1st the year following assessment, and such delinquent taxes shall be subject to six (6%) percent penalty or such other percentage as may be prescribed by State law.~~

~~In addition to the penalty therein prescribed, such delinquent taxes shall bear interest at such rate as may be fixed by the Council in accordance with State law, but not to exceed twelve (12%) percent per annum from the original delinquent date. In addition to the penalty and interest herein prescribed, such delinquent taxpayer shall be subjected to the payment of all costs and expenses incurred in the advertisement of such delinquent property and the collection of such taxes through any method provided by this Charter and/or the laws of the State of Texas. Such penalties and interest shall be an obligation of the taxpayer and shall be secured by the same lien and collected in the same manner as other taxes.~~

~~State law reference~~ Imposition of penalty for collection of delinquent taxes, V.T.C.A., Tax Code, secs. 33.01, 33.07, 33.08.

Section 9.07 — Tax Lien and Liability.

~~A special lien is hereby created on all real, personal, and mixed property, located in the City of Coleman, in favor of the City of Coleman, for all taxes, ad valorem, occupational, or otherwise. Said lien shall exist from January 1st in each year until the taxes are paid. Such lien shall be prior to all other claims, and no gift, sale, assignment or transfer of any kind, or judicial writ of any kind, can ever defeat such lien. The Assessor and Collector of Taxes can pursue such property, and whenever found out may, by judicial writ, seize and sell enough thereof to satisfy such taxes.~~

~~All persons or corporations owning real, personal, or mixed property on the first day of January of each year shall be liable for all municipal taxes levied thereon for such year.~~

Section 9.08 — Appeal of Appraised Value.

The City Council or the property owner shall have the right, as prescribed by law, to contest the appraised values before the Appraisal Review Board on all parcels.

Section 9.09 — Tax Remission, Discount and Compromise, Correction or [of] Error.

Except as herein provided, neither the Council nor any other official of the City shall extend the time for payment of taxes to discount or compromise any tax due the City; nor waive the penalty and interest that may be due thereon, to any person, firm, or corporation owing taxes to the City for such year or years; unless a clerical error or omission by a City employee was made. However, this provision shall not prevent the compromise of any tax suit, or the correction of any errors in assessment or preparation of tax rolls, or preparation of a tax statement. Such compromise shall first have the approval of the Council.

Section 9.10 — Tax Abatement.

The City of Coleman shall have all powers granted by the Constitution and laws of the State of Texas as codified in the Tax Code, for the purpose of developing and administering a Tax Abatement Policy.

Section 11.01 — Powers of the City.

In addition to the City's power to buy, own, construct, maintain, and operate utilities within or without the City limits, and to manufacture and distribute electricity, gas, or anything else that may be needed or used by the public, the City shall have further power as may now or hereafter be granted under the Constitution and laws of the State of Texas.

Section 11.02 — Inalienability of Control of Public Property.

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

Section 11.04 — Telecommunication Services.

Franchises for telecommunication services shall be governed by provisions of Chapter 283, Subchapter A, of the Local Government Code and as may hereinafter be amended. Fees paid the City from such telecommunication service franchise holders for the right to use public right of ways shall be as authorized and controlled by Section 285.055 of such Local Government Code.

Section 11.05 — Electrical Services.

Franchises for electrical services shall be governed by provisions of the Texas Utilities Code, Subchapter A, Section 33.008, and as may hereinafter be amended. Fees paid the City from such electrical service provider franchises for the right to use public right of ways shall be as authorized and controlled by Subsection (b) of such Section 33.008 of such Texas Utilities Code.

Section 13.09 — Condemnation of Dangerous Structures.

~~Whenever, in the opinion of the governing body of the City of Coleman, or appropriate City official, any building, fence, shed, awning, cave, excavation, structure, object or thing of any kind or part thereof may fall or collapse and injure persons or property, the City may order the owner or agent of the same or occupant of the premises to take such corrective measures as the governing body may direct, and may punish by fine all persons failing to do so. Upon failure to comply, the governing body shall have the additional power to remove the same on account of the owner of the property, and assess the expenses thereof, including condemnation proceedings, as a special tax against the land or improvements, and the same may be collected as other special taxes provided for in this Charter, or by suit in any court of competent jurisdiction.~~

~~Section 13.10 — Building Permits.~~

~~The City of Coleman shall have the power to prohibit the erection or construction of any building or structure of any kind within the City of Coleman without a permit first having been issued by the City for the construction or erection of such building or structure, and may authorize a fee to be charged for such permit. In pursuance of said authority, the City may authorize the inspection by the City of all buildings or structures during the progress of their construction, and may require that all buildings shall be constructed in conformity with the building code which exists in said City or shall hereafter be passed.~~

~~Section 13.13 — Amendment of the Charter.~~

~~This Charter may be amended no more than once every two (2) years, as provided by the laws of the State of Texas.~~

Measure C

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.

Measure D

Section 2.07 Powers of the Council.

All powers and authority which are explicitly conferred on or possessed by the City shall be vested in and exercised by the City Council provided, however, that the Council shall have no power to exercise those powers which are expressly conferred on other City Offices by this Charter.

All members of the Council who are present, shall vote upon every resolution or ordinance, except where there is a conflict of interest, as defined in Sections 171.001 thru 171.007 of the Local Government Code, and as hereinafter may be amended. The reason for such conflict shall be stated concisely.

~~The Mayor shall be required to vote in case of a tie, and shall have the option of voting on other issues, but shall not vote if a tie vote would result.~~

Section 2.08 Mayor - Mayor Pro Tem.

The Mayor of the City shall preside over the meetings of the City Council and perform such other duties consistent with the office, as may be imposed by this Charter and the ordinances and resolutions passed in pursuance hereof. ~~The Mayor may participate in the discussion of all matters coming before the Council and shall vote in accordance with Section 2.07, but shall have no veto power.~~ The Mayor may debate and discuss any matters before the City Council and shall vote on every resolution or ordinance, except where there is a conflict of interest, as defined in Sections 171.001 thru 171.007 of the Local Government Code, and as may be amended. The reason for such conflict shall be stated concisely. The Mayor shall sign all official documents when authorized to do so by the City Council. ~~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.~~

The Mayor shall be recognized as the official head of the City, by the court, for the purpose of serving civil process; by the Governor, for the purpose of enforcing military law, and for all ceremonial purposes.

In time of danger or emergency, the Mayor may, with the consent of the Council, take command of the police, and govern the City by proclamation, and maintain order and enforce all laws.

The Mayor Pro Tem shall be elected from among the four (4) Council members; shall be selected each year at the first regular meeting following the general City election, and shall, in the absence or disability of the Mayor, perform all the Mayor's duties.

Measure E

Section 2.04 Qualifications.

Each of the four (4) Council members, 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.

Any individual elected under this Charter shall continually reside within the City limits of the City of Coleman during their term of office. The failure to reside within the City limits of Coleman shall result in an automatic vacancy in the office, said vacancy to be filled consistent with the process for filling a vacancy as provided for in this Charter.

Measure F

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 when holding those offices concurrently would be prohibited by law. 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, where the holding of those offices are prohibited by law, shall forfeit that place office or position with the City effective upon election to such office.

Measure G

Section 6.02 Judge of the Municipal Court.

The Municipal Court shall be presided over by a magistrate who shall be known as the City Judge. The City Judge shall be a resident of ~~the City of Coleman~~ County, shall be appointed by the Council, and shall serve at the pleasure of the City Council. The City Judge shall receive such compensation as may be set by the Council. In addition, the City Council shall appoint an Alternate City Judge who shall be a resident of ~~the City of Coleman~~ County and who shall also receive such compensation as may be set by the Council. In the event the City Judge is unable to act for any reason, or in the event of a vacancy, the Alternate City Judge shall act in the place of the City Judge until such vacancy can be filled. The term of

office of the City Judge and Alternate City Judge shall be concurrent with the term of the Mayor.

Measure H

Section 5.01 The City Manager.

The Council shall appoint a City Manager, for an indefinite term, who shall be the chief administrative officer of the City. The City Manager shall be appointed upon the affirmative vote of a majority of the City Council, and may be removed at the discretion of the City Council by an affirmative vote of a majority of the City Council. The action of the City Council in suspending or removing the City Manager shall be final, it being the intention of this Charter to vest all authority and fix all responsibility of such suspension or removal in the City Council. The City Manager shall be chosen by the Council solely on the basis of executive and administrative training, experience, ability, and character, and without regard to political consideration. The City Manager need not, when appointed, be a resident of the City of Coleman, but during the tenure of office, shall reside within the City. No person shall be eligible for appointment as City Manager or Acting City Manager if they have served as Mayor of the City of Coleman, or a member of the City Council of the City of Coleman at any time during the preceding twelve months prior to the appointment being made. The City Manager shall receive such compensation as may be fixed by the Council.

Section 5.02 Powers and Duties of the City Manager.

The City Manager shall be responsible to the Council for the proper administration of all the affairs of the City. The powers herein conferred upon the City Manager shall include, but shall not be limited to the following:

- (a) Appoint and, when necessary for the welfare of the City, remove any officer or employee of the City, except as otherwise provided by this Charter; and except that the City Manager may authorize the head of a department to appoint and remove subordinates in such department.
- (b) Prepare and submit to the Council an annual budget, and be responsible for its administration after adoption.
- (c) Prepare and submit to the Council, as of the end of the fiscal year, a complete report on the finances and administrative activities of the preceding year.
- (d) Keep the Council advised of the financial condition and future needs of the City, and make such recommendations as may seem desirable.
- (e) Perform such other duties as may be prescribed by this Charter or required of the Manager by the Council, not inconsistent with this Charter.
- (f) Attend all meetings of the Council, and be notified of all meetings of the Council.
- (g) Prepare and submit to the Council personnel rules, which the Council may accept and adopt as proposed or with amendments.

~~Section 5.03—Removal of City Manager.~~

~~The Council may remove the City Manager, upon the affirmative vote of a majority of the entire Council. If removed after serving six (6) months, the City Manager may demand written charges and the right to be heard thereon at a public meeting of the Council prior to the date on which final removal shall take effect. Pending such hearing, the Council may suspend the City Manager from office. The action of the Council in suspending or removing the City Manager shall be final, it being the intention of the Charter to vest all authority and fix all responsibility for such suspension or removal in the Council.~~

Measure I

Section 2.09 City Secretary.

~~The City Council shall appoint and/or remove the City Secretary and such Assistant City Secretaries as the City Council shall deem advisable. Such appointees shall be residents of the City of Coleman. The duties of the City Secretary or and Assistant City Secretary shall be as required by law, and as established by the Job Description adopted by the City.~~

The City Manager shall appoint, and may remove with or without cause, a City Secretary, and such Assistant City Secretaries as deemed advisable, whose duties and obligations shall be determined and supervised by the City Manager.

Measure J

Section 5.09 Fire Department.

The City shall take all necessary measures to protect the City and the property of its citizens from destruction by fire or conflagration; and shall have the authority to establish and maintain a fire department within the City, at such time as State Statutes may require, or as the Council may deem advisable, and to cooperate with any person, other governmental body, association, or corporation in the operation of the fire department, under such terms as the City Council may prescribe by ordinance. Authority is also granted to support and assist in the maintenance of a volunteer fire department.

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

Measure K

Section 2.13 Procedure to Enact Legislation.

The City Council shall legislate by ordinance, and the enacting clause of every ordinance shall be: "Be it ordained by the City Council of the City of Coleman."

Every ordinance enacted by the Council shall be signed by the Mayor or Mayor Pro Tem and shall be filed with and recorded by the City Secretary. The descriptive caption of all ordinances enacted by the Council shall be read in open meeting of the Council at two (2) regular or special Council meetings unless the City Council, upon an affirmative vote of two-thirds of the City Council, vote to waive the second reading in which case only one reading shall be required for adoption.

Additionally, any Council Person or the Mayor may call for the entire ordinance to be read aloud. All ordinances, unless otherwise provided by law or by the terms of such ordinance, shall take effect in accordance with Article 2, Section 2.14.

SECTION 5. The proposed measures shall be placed on the ballot in the form of the following propositions:

Proposition A

An amendment to the City Charter revising and deleting sections which are inconsistent with State law to be consistent with State law.

FOR _____ AGAINST _____

Proposition B

An amendment to the City Charter deleting and amending those provisions which are redundant of state law or otherwise unnecessary to the powers of the City.

FOR _____ AGAINST _____

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.

FOR _____ AGAINST _____

Proposition D

An amendment to the City Charter requiring the Mayor to vote on all matters before the City Council.

FOR _____ AGAINST _____

Proposition E

An amendment to the City Charter providing that should a Councilmember or the Mayor fail to continuously reside within the City Limits during their term of office that they shall forfeit their office.

FOR _____

AGAINST _____

Proposition F

An amendment to the City Charter prohibiting a member of the City Council, the Chief of Police, member of any board, appointive officer or an employee, from holding other public offices when prohibited by law.

FOR _____

AGAINST _____

Proposition G

An amendment to the City Charter amending the residency requirement for the Judge of the Municipal Court.

FOR _____

AGAINST _____

Proposition H

An amendment to the City Charter amending the provisions for the appointment, removal, and duties of the City Manager.

FOR _____

AGAINST _____

Proposition I

An amendment to the City Charter providing that the City Secretary shall be appointed by the City Manager.

FOR _____

AGAINST _____

Proposition J

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

FOR _____

AGAINST _____

Proposition K

An amendment to the City Charter requiring that the captions of all ordinances be read in open session in at least one meeting unless a Council Person or the Mayor requests the entire ordinance be read.

FOR _____


AGAINST _____

SECTION 6. The City Administrator/Secretary is hereby authorized and directed to publish and/or post, in the time and manner prescribed by law, all notices required to be so published and/or posted in connection with the conduct of the election.

DULY PASSED by the Council of the City of Coleman, Texas, this 6th day of February 2020.



APPROVED:


Tommy Sloan, Mayor

ATTEST:



Karen Langley, City Secretary